

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: Hi-Country)
Estates Homeowners Association's)
Request for Reassessment of the)
Commission's Jurisdiction)

TRANSCRIPT OF HEARING PROCEEDINGS

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

DATE: June 15, 2012

TIME: 9:04 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Presiding:

MELANIE A. REIF, Administrative Law Judge

-oOo-

For the Company:

J. CRAIG SMITH, ESQ.
SMITH HARTVIGSEN, PLLC
175 South Main Street, Suite 300
Salt Lake City, Utah 84111
(801) 413-1600
(801) 413-1620 (fax)

For the Division of Public Utilities:

PATRICIA E. SCHMID, ESQ.
JUSTIN JETTER, ESQ.
UTAH ATTORNEY GENERAL'S OFFICE
160 East 300 South, Fifth Floor
Salt Lake City, Utah 84111
(801) 366-0380
(801) 366-0352 (fax)

Intervenors:

J. RODNEY DANSIE, *pro se*

-oOo-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESSES

For the Division

<u>SHAUNA BENVEGNU-SPRINGER</u>	<u>Page</u>
Direct by Ms. Schmid	9
Cross by Mr. Dansie	18

-o0o-

For the Company

RANDY CRANE

Direct by Mr. Smith	25
Cross by Ms. Schmid	39
Cross by Mr. Dansie	40
Redirect by Mr. Smith	72
Recross by Ms. Schmid	77
Recross by Mr. Dansie	79

STEPHEN OLSCHESKI

Direct by Mr. Smith	106
Cross by Ms. Schmid	111
Cross by Mr. Dansie	112
Redirect by Mr. Smith	126

-o0o-

For the Intervenor

J. RODNEY DANSIE

Testimony by Mr. Dansie	130
Cross by Mr. Smith	162
Cross by Ms. Schmid	170
Recross by Ms. Schmid	177

-o0o-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Page</u>
HOA-1	Map	128
HOA-2	August 20, 2008, Letter to Randy Crane from Kenneth Bousfield	128
HOA-3	Declarations	128
Dansie-1	Right-of-Way (Not admitted)	-
Dansie-2	Amended Agreement (Not admitted)	-
Dansie-3	Amended Memorandum Decision	161
Dansie-4	Judgment	161
Dansie-5	Final Judgment	162
DPU Cross-1	Statement for Lot 43	186
DPU Cross-2	Statement for Lot 51	186

-o0o-

1 JUNE 15, 2012 9:04 A.M.

2 P R O C E E D I N G S

3 THE COURT: Good morning everyone. My name
4 is Melanie Reif. I am the Administrative Law Judge
5 for the Public Service Commission. And this morning
6 we're hearing Docket No. 11-2195-01. This is The
7 Matter of: Hi-Country Estates Homeowners
8 Association's Request For Reassessment of the
9 Commission's Jurisdiction.

10 The specific reason for this hearing is an
11 order to show cause concerning a recommendation from
12 the Division that was filed with the Commission on
13 May 21st recommending that the Commission revoke the
14 letter of exemption and reinstate the CPCN No. 2195 in
15 this docket. The specific reasons for that are
16 further set out in the Division's memo.

17 And pursuant to the order to show cause that
18 was issued in this matter on June 6, 2012, the parties
19 are here to respond to the Commission's request
20 pertaining to why Hi-Country should not have their
21 letter of exemption revoked and CPCN reinstated.

22 I'd like to begin by taking appearances. And
23 if we could please start with you, Mr. Smith.

24 MR. SMITH: Craig Smith on behalf of the
25 Hi-Country Estates Homeowners Association.

1 THE COURT: Thank you.

2 MS. SCHMID: Patricia E. Schmid with the
3 Attorney General's Office. With me is Justin Jetter,
4 also with the Attorney's Office. We represent the
5 DPU. The DPU's witness today will be Ms. Shauna
6 Benvegna-Springer.

7 THE COURT: Thank you.

8 Mr. Dansie.

9 MR. DANSIE: J. Rodney Dansie representing
10 myself with two lots in Hi-Country Estates, and
11 representing the Dansie family member interests that
12 may be at -- arise in this matter.

13 THE COURT: Mr. Dansie, just for
14 clarification could you specifically address or
15 identify exactly who you are representing here today?

16 MR. DANSIE: Yes. Did you say an address?

17 THE COURT: Could you identify or
18 specifically address who it is that you are -- who you
19 are representing.

20 MR. DANSIE: J. Rodney Dansie, D-a-n-s-i-e,
21 for two lots, Lot 51 and Lot 43 in the Hi-Country
22 Estates Subdivision. And the Dansie family members
23 which have interests that impact Hi-Country Estates
24 Homeowners Association under the well lease and water
25 line extension agreement of 1977, and the amendment of

1 1985, and the recent Supreme Court decisions -- Court
2 of Appeals decisions regarding the well lease and
3 water line extension agreement.

4 THE COURT: Okay. Thank you Mr. Dansie. Are
5 you able to hear okay? Am I loud enough?

6 MR. DANSIE: A little better would help me
7 because I didn't bring my hearing aid, but.

8 THE COURT: Okay. Okay, very good. And
9 Mr. Dansie, will you be represented by counsel today
10 or are you doing this *pro se*?

11 MR. DANSIE: No, I'm not represented by
12 counsel today. I may be at a later time if that -- if
13 we deem that necessary.

14 THE COURT: Okay. And are you an attorney?

15 MR. DANSIE: No, I am not.

16 THE COURT: Okay. So for the record,
17 Mr. Dansie is here today representing himself and
18 family members on a *pro se* man -- in a *pro se* way. So
19 thank you, Mr. Dansie, for that clarification.

20 MR. DANSIE: I might just say that all the
21 family members that are involved are members of the
22 Hi-Country Estates Homeowners Association by virtue of
23 ownership of the two lots. Undivided interest in --
24 of those five people. As well as the well lease and
25 water line extension agreement.

1 THE COURT: Okay Mr. Dansie, thank you very
2 much.

3 With introductions made I'd like to turn now
4 to Ms. Schmid. Ms. Schmid, the order to show cause
5 instructed the Division to conduct further
6 investigations as it deemed necessary. And at this
7 point could you address whether the Division has, in
8 fact, done that?

9 MS. SCHMID: Yes. The Division has conducted
10 further information and has information to supplement
11 its May 17th filing. The Division also has some
12 corrections that to be made to that May 17th filing.

13 THE COURT: Okay. And would you like to
14 start with the corrections?

15 MS. SCHMID: Yes. Would the Commission like
16 to take administrative notice of the May 17th filing?

17 THE COURT: Yes.

18 MS. SCHMID: Redacted and --

19 THE COURT: Yes. The Commission takes
20 administrative notice of the Division filing. It was
21 filed with the Division on May 21, 2012. It's a memo
22 addressing this particular issue.

23 MS. SCHMID: Thank you. As
24 Ms. Benvegna-Springer will be supplementing and
25 correcting, could she please be sworn?

1 THE COURT: Absolutely. Ms. Springer, are
2 you ready to testify? And could you raise your right
3 hand, please?

4 (Ms. Benvegna-Springer was duly sworn.)

5 THE COURT: Thank you. Please proceed,
6 Ms. Schmid.

7 MS. SCHMID: Thank you.

8 SHAUNA BENVEGNU-SPRINGER,
9 called as a witness, having been duly sworn,
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. SCHMID:

13 Q. Ms. Benvegna-Springer, on behalf of the
14 Division, by whom you are employed, did you prepare
15 the Division's memorandum filed May 17th in both
16 redacted and confidential form?

17 A. I did.

18 Q. Do you have changes to that?

19 A. I do.

20 Q. Please proceed. Can you walk us through the
21 changes?

22 A. Yes, I may. Under -- on page 1 of the
23 recommendation, under the first paragraph it states
24 that the certificate should be issued by the
25 Commission and order the Company to reapply to

1 reinstate the Certificate of Public Necessity No. 2195
2 under the name Hi-Country Estates water company.

3 That should state: "Hi-Country Estates
4 Homeowners Association Phase I," as it was originally
5 issued. It should not say "water company."

6 On the last line of page 1, the last sentence
7 starts: "Seven of the nine customers have expressed
8 that they do not have or want membership in the
9 Company," and there should be a period there. The
10 remaining part of the sentence should be struck. What
11 should be added is that five of those seven are paying
12 prorated dues and water charges. Two are only paying
13 water charges.

14 And there are -- the two -- the next sentence
15 where it says: Two nonmember connections, referencing
16 Mr. Dansie, have requested membership. "Have
17 requested" should be redact -- should be redact --
18 should be removed. And he has only requested water
19 access pursuant to the well lease and line extension
20 agreement. And that is all.

21 MS. SCHMID: Could we have just one moment?

22 THE COURT: Sure.

23 MS. SCHMID: Apparently those things were
24 learned as part of the Division's investigation
25 subsequent to the filing of this memo so I don't know

1 if it would be better to have that as a supplement,
2 not as a correction. And I apologize for the
3 confusion.

4 THE COURT: I think the supplement would be
5 better taken. Is it possible that you've revised and
6 you have today a revised memo with you?

7 MS. SCHMID: No, but I'm sure we can have one
8 shortly.

9 THE COURT: Okay. Why don't we take notice
10 of the changes that have been mentioned, and with the
11 understanding that you will be filing a supplement to
12 this. Or an amendment.

13 MS. SCHMID: Thank you.

14 THE COURT: Okay. And just to back up for
15 one moment please, Ms. Springer. You were moving
16 rather quickly when you got to the point of the five
17 of the seven are paying prorated. And I was writing
18 really quickly and I, I think I may have missed part
19 of what you were saying. Could you go back to that,
20 please?

21 THE WITNESS: Yes. The last sentence should
22 read: "Seven of the nine customers have expressed
23 they do not have or want membership in the Company."
24 The remaining part of the sentence should be struck.

25 A new sentence should state: "Five of the

1 seven are paying prorated homeowners association dues,
2 and assessment fees, and water charges, with two
3 paying only water charges."

4 The third sentence, which reads -- currently
5 reads: "Two nonmember correction -- connections for
6 Mr. Rod Dansie have requested membership." Have
7 requested mem -- "have requested membership" should be
8 removed and "water access" should remain. So in other
9 words, he has only, he has only requested water access
10 for two nonmember connections.

11 THE COURT: Okay. So just for clarification,
12 that sentence would read: Two nonmember connections
13 (Rod Dansie) --

14 THE WITNESS: Two nonmembers --

15 THE COURT: -- have requested?

16 THE WITNESS: Have been requested.

17 THE COURT: Have.

18 THE WITNESS: For water access.

19 THE COURT: Okay. Okay. All right.

20 Anything else?

21 Q. (By Ms. Schmid) Ms. Benvegna-Springer, do
22 you have any additional supplemental information to
23 provide?

24 A. Yes, I do.

25 Q. Please proceed.

1 A. Pursuant to the order to show cause that was
2 issued by the Commission on June 6th the Division did
3 complete the directive that was issued that notice of
4 the hearing and copies of the recommendation should be
5 sent to all members and potential members of the
6 Association. This was completed by the Division on
7 Thursday, June 7th.

8 The additional information that we have at
9 this time -- and I'll just give just a brief history
10 about the Association and what's occurred there. From
11 1973 to 1985 a developer by the name of Gerald Bagley
12 started developing Hi-Country Estates.

13 At about 1985 he created Foothill Water
14 Company with Jesse Dansie. In June of 1985 a CPCN was
15 issued to Foothill Water Company by the Commission.
16 Towards the end of 1986 those assets -- all of
17 Mr. Bagley's interest was assigned to Foothill and
18 then over to Mr. Dansie.

19 In the pursuing eight years that remained
20 Foothill Water experienced a number of problems with
21 the water system. And the Association, the Homeowners
22 Association -- I'll refer to Hi-Country Homeowners
23 Association, I'll refer to it as "Association" --
24 filed a lawsuit and was awarded the assets of the
25 Foothill Water Company.

1 During 1994 the Hi-Country Association was
2 issued a CPCN by the Commission on March 23, 1994.
3 And then in 1996, specifically February 5, 1996, an
4 exemption from regulation was granted by the
5 Commission at that time.

6 Just to summarize, at the end of December 31,
7 2011, there were 132 customers. Seven of those
8 customers or connections are nonmembers. They include
9 the Bureau of Land Management, an individual by the
10 name of Greg DeHaan, two connections belonging to
11 Larry Beagley. One is now also -- one of those two
12 connections now belongs also to his son Jonathan
13 Beagley. And then there are three connections
14 belonging to the Olschewskis: Helmut Olschewski,
15 Daniel Olschewski, and Stephen Olschewski.

16 Mr. Dansie has requested two connections be
17 reinstated, one near Lot 1 and one near Lot 9. These
18 connections were initially severed when Foothill Water
19 Company was transferred to the Association.

20 With regards to the status of the customers,
21 the information that was obtained was that the two
22 Beagley connections were under a contract dating back
23 to 1972 that stated they would be members of the
24 Association.

25 There were documents submitted, but they were

1 not signed or executed, that stated they did not have
2 an interest to be members. There is also declarations
3 that were submitted stating that they have never been
4 members nor have they been treated as members. The
5 records do indicate that they are paying prorated
6 Homeowners Association fees and water fees.

7 The Olschewski -- the three Olschewski
8 connections do have a contract dated 1994 for only
9 water. No Homeowners Association membership, or fees,
10 or dues. They are currently paying prorated
11 Homeowners Association dues and water charges.

12 There was a contract for an individual by the
13 name of Bob Hymas. His contract is dated 1989,
14 although that contract was not signed either or
15 executed. A new contract was signed and executed in
16 1998. Since that time Greg DeHaan has purchased the
17 property from Mr. Hymas.

18 The Bureau of Land Management is also
19 receiving water charges. There is not a contract that
20 was presented for them. They are not members of the
21 Association.

22 Mr. Dansie, as he has stated, is a member of
23 the Association as a result of owning Lot 42 and
24 Lot 40 -- 51. He has requested additional water
25 access based on the well lease agreement for Lot 1 --

1 connection near Lot 1 and near Lot 99. He does not
2 own those Lots 1 or 9.

3 Based upon the information that the Division
4 obtained, we still feel that these members -- these
5 customers are not members. During the exem -- in the
6 exemption file it was noted -- and I'll just
7 paraphrase if I can -- that when the exemption was
8 issued there were a limited number of nonmembers
9 pursuant to specific contracts; however, it does not
10 offer its services to the public generally.

11 The Association was also to treat these
12 nonmember customers as members, but it's been
13 determined that they have not been treated as members
14 of the Association. And for this reason we feel that
15 the exemption letter should be revoked and the utility
16 should come back under regulation with the Commission.

17 Q. I have just a few questions to clarify a
18 couple of things. With regard to the lots near Lot 1
19 and 9 that Mr. Dansie is requesting water access for,
20 do you know if those lots, the two lots he's
21 requesting access for, are inside or outside of the
22 certificate -- certificated service area?

23 A. Lots 1 and 9 are inside the certificated
24 service area.

25 Q. No, sorry. Perhaps -- you said that he is

1 requesting water connections near Lot 1 and near
2 Lot 99. The land for which he is requesting
3 connections, is that within or without the service
4 area?

5 A. That is without the service area.

6 Q. So it's outside the certificated --

7 A. It's outside the certificated area. And it
8 would not be limited to membership.

9 Q. You also talked about certain information
10 being submitted. Were you referring to data request
11 responses that the parties received yesterday?

12 A. I am.

13 Q. Do -- and do you know that those are not
14 submitted to the Commission, they just go to the
15 parties?

16 A. That's correct.

17 MS. SCHMID: Thank you.

18 Ms. Benvegna-Springer is now available for
19 cross-examination and questions from the Commission.

20 THE COURT: Mr. Smith?

21 MR. SMITH: I don't have any questions for
22 this witness.

23 THE COURT: Mr. Dansie?

24 MR. DANSIE: Yes, I do have a couple of
25 questions.

CROSS-EXAMINATION

1
2 BY MR. DANSIE:

3 Q. With regard to the BLM group that received
4 water, and you indicated there was no contract
5 provided by the Applicant or by their attorneys; is
6 that correct?

7 A. That is correct.

8 Q. Is there any reason why that was not
9 provided? Because that's a government agency. And
10 I'm a member of the Association. I was told at
11 numerous times that that was provided by contract.
12 And that there was a land exchange and a site location
13 of a tank that was part of that contract or agreement.

14 I think that's important to help determine
15 whether they're a member or whether they're receiving
16 water by contract. And would ask that, if possible,
17 that be followed up and obtained.

18 A. We can continue to pursue that.

19 Q. Okay.

20 A. A contract has not been presented through the
21 data request.

22 Q. It has been requested though?

23 A. It has been requested, but there was not a
24 contract provided.

25 MR. DANSIE: That's of great concern, your

1 Honor.

2 Q. (By Mr. Dansie) The next question is a
3 little clarification of the South Oquirrh and Beagley
4 Acres Subdivision. You indicated there were two
5 people, Larry Beagley and another Beagley that
6 received water by contract -- excuse me, received
7 water and paid a water bill.

8 And that they also paid a Homeowners
9 Association full bill -- not a prorated -- a full bill
10 for all fees that are assessed to the normal members.
11 And that there was a document in the file that
12 indicates they would become members of the Homeowners
13 Association at the time that they purchased the
14 40-acre lot, which would include the full 40-acre --

15 MS. SCHMID: I object. Is Mr. Dansie
16 testifying or asking a question?

17 MR. DANSIE: I'm asking the question.

18 THE COURT: Mr. Dansie?

19 MR. DANSIE: We would like to receive
20 copies --

21 THE COURT: Mr. Dansie, could you state your
22 question, please?

23 MR. DANSIE: Sure.

24 Q. (By Mr. Dansie) Could you please provide or
25 request copies of the real estate purchase agreement

1 from Mr. Bagley and the developers to the Beagleys and
2 the legal description of that agreement? I believe
3 that it covers the parts that have been subdivided off
4 to the other Beagleys. That's one question.

5 A. The contract that was presented was a
6 contract negotiated between Gerald Bagley, his wife
7 June Bagley, Larry Beagley, his wife Esther Beagley.
8 And it goes back to 1973. It covers 40 acres of
9 ground.

10 The records of the Homeowners Association
11 indicate that there are two connections relative to
12 the Beagleys, there are three connections relative to
13 the Olschewskis, that I understand are part of the
14 40-acre tract.

15 Since then there is contracts for the
16 Olschewskis' three connections which are simply a
17 water agreement that supersedes any other prior
18 agreements. And does not show any Homeowners
19 Association membership.

20 There are also declarations that were
21 submitted that indicates that they were not ever
22 members.

23 Q. Based on the real estate purchase agreement
24 of the 40 acres -- maybe I can ask you a direct
25 question. Could you tell me whether the Beagleys or

1 the Olschewskis are obligated under that real estate
2 purchase agreement to become members of the
3 Association by virtue of the original deed of which --
4 from which their property came from?

5 MS. SCHMID: Objection, that calls for a
6 legal conclusion.

7 MR. DANSIE: I realize that, but it's, it's
8 an issue that's kind of important and I don't know how
9 we eventually get to it.

10 THE COURT: Mr. Dansie, I understand your
11 concern. It's inappropriate to ask that in this
12 context.

13 MR. DANSIE: Okay.

14 THE COURT: So you will need -- if that is an
15 issue that you would like to pursue, you will need to
16 do that independently.

17 Could I ask everyone a favor? If you're not
18 currently using your microphone could you turn it off?
19 That'll help with the ambient noise. Thank you very
20 much.

21 Okay. Mr. Dansie, do you have any further
22 questions?

23 MR. DANSIE: Yes. Could Ms. Springer explain
24 what she means when she says the fees for the
25 Homeowners Association are prorated and they're not

1 full Homeowners Association fees for part of the lots?

2 THE WITNESS: Under the, under the 1972
3 agreement it says that the members would pay their
4 prorated shares. Proportionate, excuse me,
5 proportionate shares of the cost of maintenance and
6 road services that -- services.

7 The bills that were submitted did show that
8 the Beagleys and the Olschewskis were paying homeowner
9 dues. And we did not pursue whether those were full
10 homeowner dues because we don't know what the --
11 what -- it wasn't necessary that we need to review
12 what those dues were for. Just that they were paying
13 homeowner dues.

14 Q. (By Mr. Dansie) My only other question would
15 be -- with regard to this issue would be that the
16 documents that I received show that the Homeowners
17 Association fees are the same for each of the Beagleys
18 and Olschewskis as the other members. And you
19 indicated they were prorated and I, I'm not sure how
20 you came to the proration part.

21 A. And my wording probably should have been
22 proportion -- their proportionate share, rather than
23 prorated.

24 Q. Would it be fair to say, then, that they pay
25 the same fees as the other members of the Association

1 if they're not prorated?

2 A. More than likely they probably are.

3 Q. So they are --

4 A. I have not checked that.

5 Q. So they are really not prorated. They each
6 pay the same -- in other words, a membership fee is
7 paid in full by those people the same as anyone else
8 in the Association?

9 A. That would need to be verified.

10 MR. DANSIE: Thank you.

11 THE COURT: Thank you Mr. Dansie. Does that
12 conclude your questions?

13 MR. DANSIE: I would just like to clarify a
14 little bit. And I think it's -- or I would like to
15 ask this question.

16 Q. (By Mr. Dansie) As you've reviewed the
17 documents and so forth, and the request by the Dansies
18 to receive water under the well lease and water line
19 extension agreement, have you read that agreement?

20 A. I have read parts of it, yes.

21 Q. You've read parts of it?

22 A. I have read parts of it, not the whole thing
23 completely.

24 Q. Have you had an opportunity to review the
25 Court of Appeals decisions regarding that agreement?

1 A. No, I have not.

2 Q. Would that make a difference on any of your
3 findings if you had?

4 A. I don't believe that it would.

5 THE COURT: Mr. --

6 MS. SCHMID: And again I would object because
7 it calls for a legal conclusion.

8 THE COURT: Yes. Mr. Dansie, we, we're not
9 gonna allow that question on the basis --

10 MR. DANSIE: Okay, that's fine.

11 THE COURT: -- that Ms. Schmid has pointed
12 out.

13 MR. DANSIE: That's fine.

14 THE COURT: And so does that conclude your
15 questions?

16 MR. DANSIE: Yes.

17 THE COURT: Okay, thank you very much.

18 Ms. Schmid, do you have any follow up based
19 on the questions that have been asked?

20 MS. SCHMID: No follow up.

21 THE COURT: Okay. Very good. I'd like to
22 move now to Mr. --

23 MR. SMITH: Smith.

24 THE COURT: -- Smith. And Mr. Smith, please.

25 MR. SMITH: Thank you. Yes, we -- boy, this

1 is -- with my mike on I can really hear it. We would
2 like to call -- we have, I think, just one witness.
3 We have a number of folks here from the Association,
4 as can you tell from the crowd here today, but we
5 would like to call Mr. Randy Crane.

6 And I'm gonna have actually Randy Crane go up
7 and take the stand. I'm gonna make you -- you're not
8 from the Division, you don't get to sit at the table
9 and relax, so. And ask that he be sworn at this time.

10 THE COURT: Mr. Crane, while you're standing
11 would you raise your right hand?

12 (Mr. Crane was duly sworn.)

13 THE COURT: Thank you very much. Please have
14 a seat.

15 THE WITNESS: Thank you.

16 RANDY CRANE,

17 called as a witness, having been duly sworn,
18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. SMITH:

21 Q. Thank you. Could state your name and address
22 for the record?

23 A. My name is Randy Crane. I live at 35 Shaggy
24 Mountain Drive, Herriman, Utah. We're located within
25 Phase I Hi-Country Estates.

1 Q. So you've lived within the Hi-Country
2 Estates --

3 A. HOA.

4 Q. -- project, HOA?

5 A. Yes.

6 Q. And approximately how long have you lived
7 there?

8 A. From the mid-90s. Probably about 18 years
9 now, in that range.

10 Q. Okay. And have you, during that time, had
11 the opportunity to be involved with either the HOA, or
12 the water company, or both?

13 A. I have been a director three times, three
14 separate times, and on the water board for several
15 years, yes.

16 Q. And could you explain how the -- I know
17 there's been references to water company and HOA. We
18 had that correction that was made by, by Ms. Springer.
19 Can you just explanation the relationship between the
20 water company and the HOA?

21 A. Basically the water company is a subsidiary
22 of the HOA. The water board when it was established
23 is -- basically reports to the directors of the HOA.
24 So they operate it, and the board of directors ensures
25 that it's done properly.

1 Q. So it's done -- it's part of the HOA then,
2 correct?

3 A. That is correct.

4 Q. And what's your current position with, with
5 the HOA at this time?

6 A. I'm one of the directors. I'm vice president
7 of the Association.

8 Q. Thank you. Could you take a minute and I'm
9 gonna have you go -- and I -- maybe we should mark --
10 I've got a large map, and I'm gonna have him -- do we
11 want to have that marked as an exhibit so that we can
12 refer to that on the record?

13 THE COURT: Yes.

14 MR. SMITH: And I've got smaller versions
15 even though they're broken up. They're not all on one
16 page. That's a -- if I could just take a minute.
17 That's a, that is a compilation of plat maps from the
18 County of four plat maps that create the large map we
19 have here.

20 THE COURT: Okay.

21 MR. SMITH: And I have the smaller ones, but
22 they're not pasted together, but they have four pages.
23 If I can I'll be happy to --

24 THE COURT: Mr. Smith, just one moment. Have
25 the parties had an opportunity to see that?

1 MS. SCHMID: Could we have -- may I just ask
2 him one question off the record?

3 THE COURT: Sure.

4 (A discussion was held off the record.)

5 MS. SCHMID: The Division has seen them.

6 MR. SMITH: Okay. And Mr. Dansie, you also
7 have the opportunity to review this. And if you
8 object to it, please state your objection. Otherwise
9 Mr. Smith is going to proceed and the exhibit will be
10 marked, and at some point entered into evidence.

11 Now, I assume that the small copies are the
12 same thing that you have there?

13 MR. SMITH: They are, but they're just in
14 separate --

15 THE COURT: Okay.

16 MR. SMITH: -- four separate sheets rather
17 than one sheet.

18 THE COURT: Okay.

19 MR. SMITH: If I can approach I'll give you
20 one of those.

21 THE COURT: Sure, thanks. I assume there's
22 no objection, Mr. Dansie?

23 MR. DANSIE: Yes, there is an objection. I
24 don't know really where we're going. There's no
25 foundation for what these documents are for. There's

1 a map up there. I'm assuming that's the service area
2 or the proposed service area. I haven't seen the
3 metes and bounds descriptions.

4 It seems to be deficient that we're
5 presenting maps that I don't know what they're for.
6 Usually in the past my experience has been that the
7 Commission requires a map and a metes and bounds
8 description of an area that is gonna be -- is
9 requested to be a -- certificated for control of the
10 Public Service Commission.

11 I would object that this information is not
12 relevant. That we don't have a map and a legal
13 description, at least in the documents that I have.
14 And I think that's necessary before much can be
15 accomplished with regard to certificating a service
16 area.

17 It's very important because in the Heber
18 Power case they were very concerned that utilities --
19 companies such as an improvement districts, cities,
20 municipalities, they cannot overlap. If one serves
21 them the other one cannot serve them.

22 And I believe on this map they're showing one
23 that appears to be in Herriman City, so I think
24 it's -- I do have a major objection to this.

25 THE COURT: Mr. Smith, would you like to

1 address the issue of foundation?

2 MR. SMITH: Yeah, I -- that's what I'm
3 getting ready to do is lay foundation. First of all,
4 also I think that Mr. Dansie has a misunderstanding.
5 This is not being used for the purpose of trying to
6 determine what our service area are -- is. Our
7 service area is, I should say.

8 What I'm hoping to elicit from this witness
9 is just have him identify what the HOA boundaries are,
10 which is not our service boundaries. What some of
11 these other properties that are being served outside
12 of the HO -- where they're located. And just to
13 orient the, the Commission as to kind of where things
14 are that we're -- we've been talking about.

15 And that's the purpose for -- it's really
16 just illustrative purposes, but.

17 THE COURT: I understand, Mr. Smith. I'm
18 gonna allow you to proceed.

19 MR. SMITH: Okay, thank you. Are we gonna
20 mark this as Exhibit 1, or how -- whatever.

21 THE COURT: My purpose is you would tell me
22 what the -- how you would like to have it marked. And
23 if it hasn't already been marked then let's, let's
24 make sure that it is marked.

25 MR. SMITH: Yeah, I think, I think Exhibit 1

1 would be fine.

2 THE COURT: Okay. Or would you like to mark
3 it HOA Exhibit 1?

4 MR. SMITH: Yeah. Yeah, let's do HOA
5 Exhibit 1.

6 THE COURT: Okay.

7 MR. SMITH: That would be better.

8 Q. (By Mr. Smith) Mr. Crane, are you familiar
9 with the map here that we have just identified as HOA
10 Exhibit 1?

11 A. Yes, I am.

12 Q. And could you generally say what part of
13 the -- where is this area located that's depicted on
14 this map?

15 A. As far as?

16 Q. What part of Utah, what part of Salt Lake
17 County?

18 A. It's the southwest corner of Salt Lake
19 County, west of Herriman, south of Butterfield Canyon.

20 Q. Okay. Out towards, I guess Kennecott and
21 Herriman?

22 A. Yes, south a little bit and.

23 Q. And you're just outside the city limits of
24 Herriman as I understand; is that right?

25 A. Yes, that is correct.

1 Q. Okay. And could you just step up to the map
2 and just point out, we -- you've marked it, it looks
3 like in the blue there's certain things marked. Can
4 you get up to the map and point that out and explain
5 what that is showing?

6 A. Yes. The blue areas as depicted on here are
7 what we consider to be the HOA boundaries for the plat
8 map. Initially the boundary was in this area right
9 here. These two lots have been added -- or this area
10 has been added subsequently to, to the HOA.

11 Q. How about the acres that are marked in
12 orange, can you explain what they are?

13 A. This is what we call "Beagley Acres," the
14 40 acres that was referred to.

15 Q. And I think we heard some names, Olschewskis
16 or?

17 A. Olschewskis, yes.

18 Q. Olschewskis and?

19 A. And the Beagleys.

20 Q. Beagleys?

21 A. Yeah.

22 Q. Are those -- is that who's located there?

23 A. Yes, they are.

24 Q. And they have homes there and live there, I
25 take it?

1 A. Yes, they do.

2 Q. Okay. And how about the area further north?

3 A. This is DeHaan, Mr. DeHaan. And he was --
4 when he was pulled in or started to be served from the
5 HOA it was, I'm gonna say by order of the PSC. His
6 well had gone down, there was no other service out
7 there, so a line was put in and he is subsequently
8 being served by the HOA.

9 Q. Okay. And how about this, the orange mark
10 clear to the other side of the map?

11 A. This is the, the line up to some BLM property
12 where we have two, two of our water tanks that we, we
13 lease the property from the BLM as part of the service
14 agreement to the wild horse area here that serves the
15 horses and the public in that area for, you know, when
16 they're out there doing the auctions for the horses.

17 Q. Okay. Now, you heard testimony and you've
18 read, I think, the recommendation by the Division of
19 public utilities; is that correct?

20 A. Correct.

21 Q. And in that recommendation testimony they
22 talked about the, the Beagleys and Olschewskis being
23 outside of the HOA. Is that your understanding?

24 A. That is correct.

25 Q. And they -- but they are provided water

1 service by the Association?

2 A. That is correct.

3 Q. Are they allowed to vote in any of the
4 elections of the Association?

5 A. They are not allowed to vote.

6 Q. Besides water, what else does the Association
7 provide?

8 A. One of the main reasons that they wanted to
9 be, I'm gonna say have access or they pay their dues
10 is it provides access through our paved roads out to
11 the outside. Prior to this road it was dirt and it
12 was not a very pleasant road to drive on.

13 So this basically provides them access to
14 their property through the HOA. And so they needed
15 access -- convenient access to their properties.

16 Q. Okay. And Mr. DeHaan's property --

17 A. (Indicating.)

18 Q. -- let me ask the same questions about him.
19 Is he a member of the Association?

20 A. No, he's not.

21 Q. Does he vote in any of the Association
22 meetings?

23 A. No, he does not.

24 Q. And how, how are, how are water rates
25 determined by the Association?

1 A. Um, currently -- well, it's been about five
2 years ago, we put together an evaluation of what our
3 costs were. And the HOA voted -- well, the directors
4 basically approved it, and it was presented to the HOA
5 members. And those rates was what --

6 MS. SCHMID: Pardon me, I -- just one
7 question, if I might. Can Mr. Dansie hear what --

8 MR. SMITH: Why don't you go ahead and sit
9 down, then you'll have the microphone. That'll help.

10 THE WITNESS: Okay, sorry. Ask the question
11 again, please.

12 Q. (By Mr. Smith) Yeah. The question is, is --
13 and maybe I can -- I'll ask a little bit shorter
14 question. I take it the water rates are established
15 by the Association; is that correct?

16 A. That is correct.

17 Q. And members of the Association have a right
18 to vote for or against those rates?

19 A. They, they can bring it up, up to the -- at
20 the board meetings. At the HOA Association meetings.
21 Basically they were approved by the board of
22 directors.

23 Q. So it's similar to like a city that has a
24 City Council, where the City Council will establish
25 water rates. And even though every member of the city

1 doesn't vote on the City Council they have the right
2 to vote in and vote out City Council members. Is that
3 a good analogy?

4 A. That is correct.

5 Q. And so these folks like the Bigleys -- or
6 Beagleys, I should say, and the Olschewskis, and the
7 DeHaans, and the BLM, they don't get a chance to vote
8 in those elections, I assume?

9 A. That is correct. They do not.

10 Q. Okay. And then the last thing you were gonna
11 point is that -- you did point out that's the BLM.
12 But they're, they're all expected to pay for water
13 service, I take it. You don't give it to them for
14 free?

15 A. That is correct.

16 Q. Okay.

17 MR. SMITH: I have some declarations here
18 that I'd like to submit from these owners. These were
19 also part of the response to the data request of the
20 Division. We have the originals, I'd like to submit
21 the originals. I have copies of those I'd like to
22 submit. These are the declarations that were referred
23 to by Ms. Springer in her testimony.

24 THE COURT: Thank you Mr. Smith.

25 Any objections? Okay, please.

1 Q. (By Mr. Smith) And I'm just gonna want you
2 to identify for me who, who this decla -- who was --
3 who's the -- well, let me back up.

4 I understand that you had some role in
5 obtaining these declarations; is that right?

6 A. That is correct.

7 Q. And you were there when these people signed?

8 A. I was not.

9 MR. SMITH: And these were provided with our
10 data request yesterday to the -- both -- to both
11 parties, both to Mr. Dansie and to the Division. We
12 sent those by email.

13 THE COURT: Thank you for that clarification.

14 Q. (By Mr. Smith) So the first one is
15 Mr. DeHaan?

16 A. That is correct.

17 Q. And that's -- his property is right here, I
18 take it?

19 A. That is correct.

20 Q. Okay. Next one is Mr. Olschewski. One of
21 Mr. -- this one is Stephen Olschewski I guess is the
22 name; is that right?

23 A. That is correct.

24 Q. And his property is located, if we look at
25 Exhibit 1, HOA-1, it would be down in this area here.

1 There's what, five, five folks that live here, or how
2 many connections are there?

3 A. And there are five connections down there.
4 And yes, he lives in that 40-acre...

5 Q. Okay. Next one is Mr. Daniel Olschewski. He
6 also lives down in that area I understand?

7 A. That is correct.

8 THE COURT: Mr. Smith, just out of curiosity,
9 are you planning to provide me with a copy of the
10 documents you're looking at?

11 MR. SMITH: I am, I'm sorry. I apologize.

12 THE COURT: Thank you.

13 Q. (By Mr. Smith) And the next one is
14 Mr. Helmut Olschewski. I take it he also is served --
15 lives in that area that is served; is that correct?

16 A. That is correct.

17 Q. You've read these declarations, haven't you?

18 A. Yes, I have.

19 Q. Do you agree with these declarations?

20 A. Yes, I do.

21 Q. And we have Mr. -- the two Mr. Beagleys, I'll
22 submit those as well. Here is Mr. -- is it J.B.
23 Beagley; is that?

24 A. Jonathan, yes.

25 Q. Jonathan? Okay. Now if, if I can have

1 you -- I'm gonna state some information that was in
2 the findings of the Division of Public Utilities
3 that's dated May 17, 2012.

4 They have a finding that there are 132
5 customers connections, 123 who are members and 9 who
6 are not members.

7 A. In general, that's correct.

8 Q. Okay. You agree with that. They also come
9 to a conclusion that the HOA is, is offering service
10 to the general public. Do you agree with that?

11 A. Yes, I do.

12 MR. SMITH: That's all the questions I have
13 for Mr. Crane.

14 THE COURT: Thank you Mr. Smith.

15 Ms. Schmid, do you have any questions?

16 MS. SCHMID: Just one.

17 CROSS-EXAMINATION

18 BY MS. SCHMID:

19 Q. What sort of things do homeowners
20 associations fees include charges for?

21 A. In, in general, or ours?

22 Q. Yours, thank you.

23 A. Okay. Basically our HOA fees cover the road
24 assessment and the snow removal. And we do have an
25 assessment for garbage, which is a separate

1 assessment. But mainly -- and then legal fees
2 associated with anything associated with the, the HOA,
3 so.

4 We do not have a, you know, an area that, you
5 know, a clubhouse or that type. So we don't have
6 those types of fees. It's basically the maintenance
7 of the, of the HOA, and legal fees, and snow removal.

8 Q. And are the water fees included in those HOA
9 fees or are they separate?

10 A. They are separate.

11 MS. SCHMID: Thank you.

12 THE WITNESS: Thank you.

13 THE COURT: Mr. Dansie, you're allowed to ask
14 any questions you may have at this time.

15 MR. DANSIE: Thank you.

16 CROSS-EXAMINATION

17 BY MR. DANSIE:

18 Q. Mr. Crane, are you familiar or aware of a
19 copy of a contract with the BLM for water service and
20 for use of their land?

21 A. I'm gonna say I'm, I'm aware of one. I do
22 not know why it was not provided.

23 Q. But you are aware of it --

24 A. Yes.

25 Q. -- and there is one?

1 A. I'm gonna say yes.

2 Q. Thank you. Could, could that be provided?

3 A. Yes, we will find it and provide it to the
4 Commission.

5 Q. Thank you. I'd like to ask you a couple of
6 questions about --

7 SPEAKER FROM THE AUDIENCE: Can he turn on
8 his mike?

9 Q. (By Mr. Dansie) Yes. I'd like to ask you a
10 couple of questions about the difference between South
11 Oquirrh, and Beagley Acres, and Hi-Country Estates'
12 boundaries. Could you tell me the differences in
13 those areas?

14 A. Basically the difference is that the South
15 Oquirrhs are allowed or are part of the HOA and the
16 Beagley Acres are not.

17 Q. South Oquirrh is part of the HOA then?

18 A. That is correct.

19 Q. Are there restrictive covenants that go along
20 with the HOA requirements? On the property? As to
21 what you can build, and what you can do, and so on and
22 so forth?

23 A. I cannot answer that because I do not know.

24 Q. Does the HOA have CC&Rs and restrictive
25 covenants that cover the Hi-Country Estates Phase I

1 area?

2 A. Yes, they do.

3 Q. Could you tell me what they are?

4 A. In general?

5 Q. In general.

6 A. They're documents that control what we can do
7 and what we can't do up there.

8 Q. And you say those same restrictions would
9 apply to South Oquirrh, which is another section of
10 land there, 40 acres?

11 MR. SMITH: I'm gonna object, that I think
12 mischaracterizes any -- I don't think we've had that
13 testimony.

14 THE COURT: Sustained. Mr. Dansie, could you
15 proceed if you have any other further questions?

16 MR. DANSIE: Sure.

17 Q. (By Mr. Dansie) When the property was
18 divided based on the maps that Mr. Smith brought and
19 now shows Hi-Country Estates Phase I Subdivision and
20 shows the Beagley Acres and the South Oquirrh, do you
21 know whether all of those areas came from the original
22 developer, Bagley & Company?

23 A. I do not.

24 Q. Could have it, do you think?

25 A. I cannot --

1 MR. SMITH: That calls -- I'm gonna object,
2 that calls for speculation.

3 MR. DANSIE: Okay.

4 THE COURT: Sustained.

5 MR. DANSIE: Your Honor, the reason that I'm
6 asking these questions is because I think we've got an
7 area that's Hi-Country Estates Homeowners Association.
8 We've got an area that's Beagley Acres and South
9 Oquirrhs.

10 And there is a different set of rules that
11 apply with regard to land use for those two or three
12 parcels, and I think that's probably some of the
13 reason why the people that are in Beagley Acres have
14 chosen not to be members. However, I'll go back to
15 the question.

16 Q. (By Mr. Dansie) Could you tell me,
17 Mr. Crane, are you familiar with the documents that
18 were submitted to the Division of Public Utilities for
19 this answer to their request?

20 A. Yes, I am.

21 Q. Are you aware of the document that the
22 Beagleys signed -- I want to say "Beagleys," Larry
23 Beagley and I can't remember the other one -- when
24 they bought the 40-acre parcel that said they would
25 become members of the Homeowners Association?

1 A. I did not review that in detail, no.

2 Q. But it is in there, right?

3 A. I -- there were so many documents submitted I
4 do not remember exactly which ones were submitted.

5 Q. Well, I -- if you want I can take the time
6 and get it out. It indicates that when they bought it
7 it was part of their service agreement.

8 THE COURT: Mr. Dansie --

9 MR. DANSIE: Okay.

10 THE COURT: -- I'm --

11 MR. DANSIE: All right, we'll cross-examine
12 him.

13 THE COURT: I just want to make sure that you
14 understand that when you have an opportunity to ask
15 questions it's -- if you at some point want to present
16 and present your testimony and then be subject to
17 cross-examination, you are welcome to do that.

18 MR. DANSIE: That's fine.

19 THE COURT: But for this stage of the hearing
20 Mr. Crane has given his testimony and he's now subject
21 to cross-examination. Ms. Schmid has made her
22 questions, and you are now given the same opportunity.
23 If you have any other further questions, you may
24 proceed.

25 MR. DANSIE: Thank you, I'll proceed.

1 Q. (By Mr. Dansie) You've indicated that
2 Hi-Country Estates Homeowners Association is the --
3 also the parent company of the water company; is that
4 right?

5 A. That's correct.

6 Q. Okay. Can you tell me how the water rights
7 and the water facilities and so forth are owned, in
8 what name?

9 A. The water rights are owned in Hi-Country
10 Estates. The facility I believe is also in Hi-Country
11 Estates, but it may be underneath the water company.
12 But in, in effect it makes it so that it is owned by
13 the HOA. But in detail, no, I am -- I'd have to look
14 at the documents and go through them.

15 Q. And if I understand what you said, you said
16 the water rights and the facilities are owned by the
17 Hi-Country Estates Homeowners Association?

18 A. To the best of my knowledge, yes.

19 Q. Okay. And the application that you as
20 directors and your legal counsel have made is for the
21 certificate of convenience to be issued to Hi-Country
22 Estates Water Company; is that correct?

23 A. That has been changed. I believe that Shauna
24 has made that change in her documentation.

25 MR. DANSIE: Your Honor, I'd just like to

1 note for the record that these declarations that I
2 received are dated yesterday. And that the original
3 information that came in said that it was the
4 Hi-Country Estates Water when all of the water rights
5 and so forth, as Mr. Crane has indicated, are owned by
6 the Association. There's a major gap there in the two
7 things. But anyway, just be -- so we're aware of it.

8 Q. (By Mr. Dansie) You indicated that the
9 Beagley Acres are not allowed to vote.

10 A. That is correct.

11 Q. Can you tell me what that means?

12 A. It means that they do not attend the HOA
13 meetings. They do not get to participate in the
14 votes, and establishing of the, the budgets for the
15 year, and establishing what the water rates are. Or
16 electing the directors for that purpose.

17 Q. Is that by their choice or by the Homeowners
18 Association's choice?

19 A. I think it's by both. I -- if you look at
20 the documentations that were just provided, they have
21 no desire. So I'm gonna say it's, it's not an issue
22 since they do not want to, nor have we approached them
23 to do so.

24 Q. Could your shares or memberships in the
25 Homeowners Association be modified so that you could

1 have an A share, which would be the normal share, and
2 then a B share for someone that is not subject to the
3 restrictive covenants that are on the Homeowners
4 Association properties?

5 A. We do not have shares.

6 MR. SMITH: I'm gonna object -- yeah. I'm
7 gonna object that I don't think there are any shares,
8 plus I think this calls for speculation.

9 THE COURT: Sustained.

10 MR. DANSIE: When I say "shares" I'm gonna
11 change that to membership.

12 MR. SMITH: Same objection, this is
13 speculation.

14 THE COURT: Still sustained. Mr. Dansie, do
15 you have any further questions?

16 MR. DANSIE: Just give me a minute, I might.

17 THE COURT: Okay.

18 Q. (By Mr. Dansie) To clarify a little bit, do
19 the nonmembers in Beagley Acres pay the same Homeowner
20 Association fee, annual fee, as anyone that would live
21 in the Homeowners Association boundaries subdivision?

22 A. They pay the general fees that the HOA
23 members pay. They do not pay garbage fees, which are
24 individual fees that are applied to indi -- to
25 homeowners that use that service. They basically are

1 paying for the services provided to them.

2 Q. Okay. And I appreciate that explanation, but
3 my, my -- what I'm really trying to determine, a
4 garbage fee is a separate fee; is that correct? So if
5 you use garbage service you pay a garbage service fee?

6 A. That is correct.

7 Q. Okay. But the basic annual assessment by the
8 Homeowners Association fees for issues like you said,
9 roads, snow, legal, and other matters of Homeowners
10 Association business, that's a certain fee. And for
11 example say Lot 51, or any lot in the Homeowners
12 Association, and then the fee that the Beagleys pay
13 for their lot would be the same; is that correct?

14 A. That is correct because all of our fee is
15 associated with basically the water system, you know,
16 some maintenance, and for maintenance of the roads and
17 snow removal. We do not have any special facilities
18 that the HOA members pay for.

19 Q. Okay. You indicated that today Hi-Country
20 Estates Water Company makes water available to the
21 public in general; is that correct?

22 A. As long as they meet the requirements, that's
23 correct.

24 Q. Could you tell me what those requirements
25 are?

1 A. Basically they're -- would be within our
2 service area and that they meet the drinking water
3 requirements. And they would sign a contract going
4 forward.

5 Q. As long as they sign a water service
6 agreement then you're telling me?

7 A. That would be correct.

8 Q. Have you ever had an application from Del Roy
9 Taylor to receive water on a property right adjacent
10 to Lot 9 Hi-Country Estates?

11 A. Not that I know of.

12 Q. Okay. But you're saying that if he wants to
13 receive water from Hi-Country Estates that the water
14 is generally available to the public?

15 A. We would review that application and provide
16 them with water if it made sense, yes.

17 Q. Now wait a minute, that's a little different
18 then you said generally available to the public. If
19 he signs a water agreement --

20 A. Well, we'd have to review the water agreement
21 and verify that it was in both interests -- both the
22 HOA's interest and his interest before we went
23 forward. Like any other agreement between two
24 individuals, or two companies, or two, um.

25 Q. Okay. Have you ever, have you ever had a

1 request from Dansies to provide water to the back
2 40 -- or the back 80 acres, water service if it's
3 generally available to the public?

4 A. I believe you have requested service back
5 there.

6 Q. And was that provided?

7 A. No, it was not.

8 Q. Can you tell me why?

9 A. Because you wanted it for free.

10 Q. By contract.

11 A. By -- for free.

12 Q. Okay. We won't be argumentative. Now that
13 you brought that up, by contract, what does that mean?
14 Are you aware of the Court of Appeals' decision?

15 A. Yes, I am.

16 Q. Can you tell me what that means?

17 MR. SMITH: I'm gonna object. This is
18 calling for a legal statement by the witness, who's
19 not a -- not here to do that.

20 MR. DANSIE: It's not a legal statement, your
21 Honor, it's just saying what the Court of Appeals
22 decision said. That is not a legal statement. His
23 interpretation of it.

24 MR. SMITH: And I, I would say his
25 interpretation of it's irrelevant.

1 THE COURT: Would you like to rephrase your
2 question, Mr. Dansie?

3 MR. DANSIE: Sure.

4 Q. (By Mr. Dansie) Based on the Court of
5 Appeals decision, and the requests that have been made
6 by Dansie to receive water, and your comment that
7 water's generally available to the public, could you
8 explain why you have not reconnected and are providing
9 the water to those particular lots?

10 A. Mainly because -- well, we, we have sent
11 you -- or the Dansies a letter stating how we would
12 reconnect based upon the Court of Appeals, and the
13 Division of Drinking Water's information, and our
14 legal staff opinion.

15 And so you have that document that states
16 what you have to do in order for you to be connected
17 up to Hi-Country. So you have that documentation in
18 hand, Mr. Dansie.

19 Q. I think there's a little difference in the
20 testimony that's been given. You said water was
21 generally available to the public.

22 A. As long as they comply to the drinking water
23 requirements and to, you know, what is good for the
24 Association, that is correct.

25 Q. Say that last part about the Association?

1 A. If it's in the, in the best interest of the,
2 of the Association. I mean, we're not going to supply
3 5 million gallons of water out the front gate if it
4 basically causes damage to the HOA. And I use
5 5 million, it could be 20 million, it could be, you
6 know, 20 gallons.

7 Q. Sure.

8 A. If it's not in the best interest of the HOA
9 you do not get into a contract or you do not serve the
10 water.

11 Q. Okay. Could you tell me a little bit about
12 the Bob Hymas property and how it's being served now?

13 A. The Bob Hymas property?

14 Q. Excuse me, it's Greg DeHaan is the current
15 name I think that agreement is in. It was previously
16 the Bob Hymas. Could you tell me a little bit about
17 that, how that's being served?

18 A. It's being served with a water line that runs
19 down, I think it's what, 75, 80, or whatever. Down --
20 the road down to his house. But -- so --

21 THE REPORTER: The road -- sorry, the road
22 down what?

23 THE WITNESS: The first road outside the
24 Association, I'm sorry.

25 Q. (By Mr. Dansie) Okay. And this is gonna tie

1 in a little bit with these declarations from the
2 Olschewskis that we've been provided. Can you tell me
3 where the Olschewski property and the Greg DeHaan --
4 or excuse me, Greg DeHaan property, is it in Salt Lake
5 County, is it in Herriman City, is it in, what --

6 A. DeHaan's property I know is in, in Herriman
7 City. As far as the Olschewskis and Beagleys, I do
8 not know if they are Herriman or Salt Lake County.

9 Q. Okay. Would it make a difference to you as
10 vice president of the Association if you were going to
11 be providing water to someone that is in another
12 municipality or another area and that municipality
13 would have jurisdiction to provide water to that area?

14 A. Going forward, yes. If it was already
15 existing, no.

16 Q. Do you know when the Hymas property or the
17 DeHaan property was annexed into Herriman?

18 A. Specific date, no.

19 Q. So you're saying going forward you may want
20 to review whether that -- whether you would provide
21 water service to that particular properties?

22 A. No. What I'm saying is that we would look at
23 anything that is being served by a different service
24 area as being probably not within our boundaries and
25 not something that we would want to serve to because

1 they already have that service.

2 Existing services that have been
3 grandfathered in, we have no issues with continuing
4 the service.

5 MR. DANSIE: I don't have any more questions,
6 Mr. Crane. Thank you.

7 THE COURT: Thank you Mr. Dansie.

8 Mr. Crane, I'd like to ask you a few
9 questions, please. Ms. Springer had testified earlier
10 that there are lots near, I believe it was No. 1 and
11 No. 9 that Mr. Dansie is seeking to provide service
12 to, but that -- her testimony was also that he doesn't
13 own those lots. Who does own those lots?

14 THE WITNESS: Specifically I cannot tell you.
15 What I -- what she was referring to is that those are
16 connection points that were existing several years ago
17 with -- when Mr. Dansie was -- basically handled the
18 water system as Foothill. And that -- Foothill was
19 basically dissolved by the Associa -- or by the, the
20 PSC.

21 At that time the -- those connections were
22 severed. And so what, what she was referring to is
23 that those are connections into Mr. Dansie's water
24 system and not generally those lots. Those lots are,
25 are served by the HOA currently. And it's just a, a

1 connection location for outside service.

2 THE COURT: Okay. So if I understand you
3 correctly, the lots are within your service area?

4 THE WITNESS: That's correct. And we do
5 serve them. But what Ms. Springer was talking about
6 was there is a line that runs outside -- or used to
7 run outside to properties to the east of Hi-Country.

8 And those lines were served -- severed at
9 Lot 1 and I think it was Lot 90 -- or Lot 9. They
10 were severed there because we were told that we
11 cannot -- or we were not to serve outside of our
12 Association to those lines.

13 THE COURT: Okay. So at the point that they
14 were severed, that is a delineation of your service
15 area; is that correct?

16 THE WITNESS: That is correct.

17 THE COURT: Okay. As has been mentioned, the
18 Commission, in 1996, chose to cancel and deem annulled
19 the CPCN 2737 which was issued to Hi-Country
20 Homeowners Association Phase I.

21 The application that was filed states that
22 the reason that the Commission chose to do that was
23 that -- and I'm, I'm quoting from page 2 of the
24 application that was submitted. The Commission takes
25 judicial notice of that.

1 This is the December 23, 2011, letter to the
2 Commission asking us to review this matter. And on
3 page 2 of that it indicates that:

4 "The Commission determined that
5 because the Association was a nonprofit
6 company that served only its members and
7 a few others at rates equal to its
8 members the Association was exempt from
9 regulation by the Commission."

10 In preparing for this hearing I have reviewed
11 the order that was issued in 1996. And -- in an
12 attempt to help clarify and get the background for
13 what's, what's happened here over the years. And as
14 the Division pointed out in its statement earlier on,
15 this order is actually much more limited.

16 And I, I was wondering whether you are aware
17 that it does not make the statement that's issued in
18 the application. It actually makes a very different
19 statement. The statement that Ms. Springer mentioned.
20 In particular it says, under the findings of fact,
21 that:

22 "Respondent" -- meaning Hi-Country
23 Homeowners Association Phase I Water
24 Company -- "serves a limited number of
25 non-members pursuant to specific

1 contracts."

2 It doesn't specify who those nonmembers are.
3 It doesn't specify the terms of the contracts. And it
4 does not say anything about members and nonmembers
5 paying equal rates. It's, it is, in short, a very
6 succinct order.

7 Do you -- can you tell me what happened
8 between 1996 and present, what, what changes and
9 circumstances have occurred? Is it just the Dansies?

10 THE WITNESS: I guess I have to go back and,
11 and -- when I came -- became part of the -- or bought
12 into the HOA did not realize that we had been taken
13 out of the PSC's jurisdiction.

14 Had I been aware of that, I would have fought
15 it. I feel that the -- we are a public utility. We
16 do supply people, even if by contract, outside the
17 Association. It is, you know. For them to be
18 protected as well as the HOA to be protected we should
19 have been under the PSC.

20 But to answer your question, mainly it's,
21 it's the demand for water that -- and, and basically a
22 contract that is, I do not feel -- and this is my own
23 personal opinion -- do not feel is in the public
24 interest, or in the Hi-Country's interest, or in the
25 people that we serve outside the HOA.

1 THE COURT: Okay. For clarification, are you
2 referring to the Dansie contract?

3 THE WITNESS: That is correct.

4 THE COURT: And are there any other contracts
5 that form your opinion about, about what you just
6 offered?

7 THE WITNESS: There are not.

8 THE COURT: Okay.

9 THE WITNESS: All the other contracts, the --
10 there is a, a fee being paid for the service.

11 THE COURT: And when did you become involved
12 in the Association?

13 THE WITNESS: It was the mid-90s. Somewhere
14 around I'm guessing '96, '97.

15 THE COURT: So if you were involved in '96 or
16 '97 why weren't you aware of the request to the
17 Commission to exempt the Homeowners Association
18 Phase I Water Company from the Commission's
19 jurisdiction?

20 THE WITNESS: Having just moved up there, had
21 a lot of work to do. And was not generally involved
22 with the running of the Association, nor -- and
23 basically was -- wasn't paying attention.

24 THE COURT: Were you a member of the
25 Association?

1 THE WITNESS: When we bought in, yes.

2 THE COURT: And what was your role in '96?

3 THE WITNESS: Would have been just an HOA
4 member.

5 THE COURT: Okay.

6 THE WITNESS: I do not know when I came on
7 the board. It was probably -- it was after -- I know
8 it was after the decision was made. I was on the
9 board for a couple years, and then did not act to be
10 reelected for several years.

11 THE COURT: Okay. So, so in '96 you, you
12 were not on the board. You were, you were a resident
13 of the community and a member of the Homeowners
14 Association?

15 THE WITNESS: Yes. I'm gonna say it was in
16 the '96 time frame. I do not, you know. It's been so
17 long ago my memory is, you know. I do not remember
18 exactly when we bought in up there.

19 THE COURT: Do you recall that issue being
20 taken to the residents?

21 THE WITNESS: I do not remember that, no.
22 One of the problems I had during that period of time
23 was I was traveling a lot and I was not at the -- any
24 of the HOA meetings.

25 THE COURT: Okay. And remind me again, when

1 did you become on the board?

2 THE WITNESS: Prob -- I'm -- I'd have to go
3 back and look at the documentation. I really can't,
4 you know, define the dates.

5 THE COURT: Can you give me an estimate?

6 THE WITNESS: It was probably, if I, if I
7 moved in there in '96 it's probably around '98 through
8 2001. And then it -- I was back on the board in
9 2000 -- I think 2009 for -- through 2010 for a year.
10 And then I came back on the board here about, what,
11 two years ago.

12 THE COURT: So about 2010?

13 THE WITNESS: That would be correct.

14 THE COURT: To present?

15 THE WITNESS: Yeah.

16 THE COURT: Okay. What was your role in 1998
17 to 2001?

18 THE WITNESS: I was the director.

19 THE COURT: And from 2009 to 2010?

20 THE WITNESS: Director.

21 THE COURT: And in 2010 to present you've
22 testified that you are the director and vice
23 president --

24 THE WITNESS: Yes.

25 THE COURT: -- right? Okay. Is the vice

1 president role, is that a new role for you?

2 THE WITNESS: This go around for the last two
3 I've been vice president. Last two terms, yes.

4 THE COURT: Okay. So that began in 2009; is
5 that correct?

6 THE WITNESS: Yes, that would be correct,
7 2008-2009, in that time frame.

8 THE COURT: Okay. So your testimony today
9 was that if you had known about the '90, '90 -- the
10 1996 order from the Commission exempting it and
11 nullifying its CPCN. Why did you not act sooner to
12 object and bring this issue back to the Commission?

13 THE WITNESS: We've been dealing through the
14 courts. And it was part of -- I'm gonna say it was
15 the recommendation that we finish the legal battle
16 prior to coming back. So it was a decision made based
17 upon the, the legal battle or the legal issues and the
18 Court issues.

19 THE COURT: Okay. My understanding is that
20 there's a well lease agreement that involves
21 Mr. Dansie. Are you familiar with that well lease
22 agreement?

23 THE WITNESS: Yes, I am.

24 THE COURT: Okay. And that is the same well
25 lease agreement that was litigated in the Court of

1 Appeals case that's been referred today?

2 THE WITNESS: That is correct.

3 THE COURT: Okay. As you may be aware -- or
4 let me just back up one second. Again, in preparation
5 for the hearing today I have reviewed that case to
6 give me additional background to better understand the
7 history and what's occurred here.

8 And in that particular case the Court comes
9 to a conclusion in its amended decision that the
10 Dansies going forward are entitled to their
11 contractual right to free water and free hookups
12 unless the PSC intervenes and determines otherwise.

13 At the point -- at this point in, in the case
14 the exemption was in place and that was the
15 determination of the Court. What has changed since
16 the Court decision to make the Homeowners Association
17 believe that it should now be under the jurisdiction
18 of the Commission?

19 THE WITNESS: I think if you read the -- and
20 understand that I'm talking as a layperson, not as
21 legal. If you read the whole decision, that it
22 only -- not -- it says free water but it -- the water
23 is provided by Mr. Dansie through our system and he is
24 to pay transportation costs.

25 That is the, the crux of the, the issue.

1 Mr. Dansie is demanding free water through the
2 Association and out. And our contention as well as
3 our belief in what the Court of Appeals stated is that
4 yes, he is -- he has been awarded free water, but that
5 water comes from Dansie Well No. 1 -- or actu -- which
6 was Hi-Country -- excuse me, Dansie Well No. 15, which
7 was Dansie -- or Hi-Country Estates Well 1, which is
8 outside the Association.

9 Which for intents and purposes it's his
10 water, his well, he would have to pump it in to the
11 Association. Transportation fees through the
12 Association were awarded by the appellate court, as
13 well as the requirement for him to pay for all the
14 hookups and provide for all the engineering on his
15 system as well as our system to make sure that the,
16 that the two systems were compatible.

17 As, as -- that, you know, that's part of our
18 understanding. The other is that, again, he's
19 demanding free water, without the HOA receiving any
20 benefit from transporting or delivering any of our
21 water to him.

22 And we believe that that is not in the public
23 interest, as he is not providing any, any, anything
24 back for the water or the transportation costs.

25 THE COURT: Mr. Crane, after the Court of

1 Appeals issued its decision there was a further appeal
2 to the Utah Supreme Court. Are you familiar with
3 that?

4 THE WITNESS: In general, yes.

5 THE COURT: Okay. And are you aware that the
6 Supreme Court, in legal terms, denied *certiorari*, or
7 refused to review the case further?

8 THE WITNESS: That is correct.

9 THE COURT: Okay. I'd like, I'd like to
10 better understand exactly what it is about the Dansie
11 request that is holding up the issue of him receiving
12 water. Is it -- you mentioned today that you have a
13 list of requirements that you review when someone
14 requests water.

15 Is it one of those standards that you're
16 concerned about, or? I think I, I've read elsewhere
17 that there may be an issue about him providing some
18 sort of government hookup or something?

19 THE WITNESS: Well, if, if it's -- if we're
20 talking about hooking up to an outside source not
21 within the HOA, first off we'd have to review making
22 sure that, you know, it was perfectly legal to hook up
23 to 'em.

24 It is no longer -- or I assume it's no longer
25 legal for us to hook up to somebody within Herriman

1 because they have their own service district.

2 To supply large quantities of water we would
3 have to go through the Division of Drinking Water and
4 get their approval. And again, that letter from the
5 Division of Drinking Water was supplied to us as to
6 what those requirements are.

7 And that has been submitted to Mr. Dansie as,
8 as his requirements to -- that he has to basically
9 abide by prior to any hookups or any agreements to
10 hook up -- or to re-hook -- reconnect.

11 That is the biggest one, is that we will
12 comply to the State requirements in drinking water.
13 And, and he has refused to do so.

14 THE COURT: Based on what you've just said,
15 is it, is it true that the property that he seeks to
16 have service to outside of your service area?

17 THE WITNESS: Is there a question there? I'm
18 sorry. Are you?

19 THE COURT: Yes. Based on --

20 THE WITNESS: Oh.

21 THE COURT: -- his request for service and
22 your response about there being concern about, I think
23 you mentioned the property being in Herriman, is part
24 of your objection that his property is outside of your
25 service area?

1 THE WITNESS: That would be, that would be
2 correct, yes. And the other is that it's -- he's
3 looking for large quantities of water. And that
4 having -- being part of it is that we have to comply
5 with the Division of Drinking Water's requirements and
6 their regulations.

7 THE COURT: Okay. And has the Division of
8 Drinking Water reviewed the request and told you that
9 you should deny it?

10 THE WITNESS: We have -- basically the only
11 request we've gotten from Mr. Dansie is, Hook me up.

12 THE COURT: Okay. Give me just one moment,
13 please.

14 THE WITNESS: Okay.

15 (Pause.)

16 THE COURT: In the application that was
17 filed -- that I referred to earlier filed by your
18 attorney in December of 2011 asking that the
19 Commission review this issue, and specifically there's
20 a reference to recent rulings by the Commission that
21 leads, presumably, the HOA to believe that this, this
22 issue is ripe for review, but there's no mention of
23 what recent rulings those were. Now, this might be
24 something that, that counsel --

25 THE WITNESS: I'd have to --

1 THE COURT: -- could address. But is there
2 something specific that you're aware of?

3 THE WITNESS: I would have to defer to
4 counsel.

5 THE COURT: Okay, fair enough. Mr. Crane,
6 one, one final question for you, please. Do you
7 believe that the HOA's application that's currently
8 pending is in any way to skirt the Court of Appeals
9 order? The order that was issued on July 29, 2011.

10 THE WITNESS: I do not believe so. In, in
11 the court of opinion -- or Court of Appeals' opinion
12 they said if -- you know, We are done. And now go
13 to -- as far as I -- what I read is, Now go to the
14 Public Service Commission.

15 THE COURT: While that case was pending and
16 the disputes were being -- that led to this. That
17 first you were in the District Court. Do you, do you
18 know why, or could you tell me why the HOA didn't file
19 something with the Commission informing us that there
20 was an issue or a potential issue and perhaps asking
21 us to even stay the issue?

22 Which means that we don't decide it until a
23 future date. Just sort of queueing up the issue so
24 that -- it just -- what I'm trying to get at is if
25 there was a dispute about the exception that had been

1 put into place, why wait until after the Court of
2 Appeals has decided a case in favor of Mr. Dansie to
3 then tee it up to the Commission and ask for a
4 different result which might affect Mr. Dansie?

5 THE WITNESS: I think the, the reason why is
6 that we wanted to only fight one battle at a time.
7 Maybe we should have brought you in too, or got you
8 involved. But it was, it was a decision that was made
9 by legal counsel and the directors that -- to try to
10 minimize our attorney's fees and to, you know, just go
11 forward with the, with the legal battle and get it
12 resolved prior to coming to the, the Commission.

13 We, we felt that the Commission probably
14 would not be -- and, you know, I understand your
15 question. And I think, you know, we may, may look at
16 it differently based upon your question. But it was
17 that the Commission would not be interested in
18 intervening or being involved while this was still in
19 the courts.

20 And that would be my only explanation. It
21 was not -- it, it was our intent at, at a time when
22 all the legal hassling was done to come to the, to the
23 Commission.

24 THE COURT: Okay. It's suggested in the
25 application that if Mr. Dansie is, in fact, given what

1 he seeks, which is access to water, that there will
2 need to be a rate increase that will be borne by the
3 customers. Thereby creating some concern that that
4 would be a preference in favor of Mr. Dansie and cause
5 problems under the statute.

6 The Commission has, has not seen the
7 agreement that gives rise to Mr. Dansie's claim.
8 That's not part of our record. Perhaps at some point
9 that will become part of our record. I think it would
10 be very helpful to have that.

11 But why, in your opinion, would the effect of
12 providing Mr. Dansie have to be borne by the
13 ratepayers?

14 THE WITNESS: Well, see, I think you, you
15 know, you go back to the portion that Mr. Dansie is
16 demanding water for free. If he demands water for
17 free then all the water and the transportation costs,
18 according to his view of the world, would be borne by
19 the HOA and its members.

20 He would not be charged for any of the ser --
21 or any of the -- according to his, his demand letters,
22 the best that I can recollect, it is our
23 responsibility -- this is Mr. Dansie speaking. This
24 is our re -- it is the HOA's responsibility to provide
25 all the engineering and hookup requirements, do all

1 the certification of the system, and then supply the
2 water to him at no charge.

3 So at that point all those costs would be
4 borne by the HOA and none of them would be borne by
5 Mr. Dansie or any of the -- anyone that he is serving.

6 THE COURT: Okay. And is it correct that
7 Mr. Dansie's claim is based in contract?

8 THE WITNESS: That is, that is correct. It
9 was what was ruled on by the courts.

10 THE COURT: Okay.

11 THE WITNESS: May I add that the courts also
12 had said that his claim was based upon free water from
13 his well. And that anything that -- and if you read
14 the whole contract, that any, any type of
15 infrastructure that is required -- and I'm
16 paraphrasing a little bit -- would be borne by
17 Mr. Dansie.

18 And that the water -- it was the water -- and
19 you have to look at it -- it's the water that would be
20 provided for free.

21 THE COURT: Uh-huh.

22 THE WITNESS: Not --

23 THE COURT: Okay.

24 THE WITNESS: Not the service. And, and it
25 would be borne -- or the water would be from his, his

1 Well No. 15, which is outside the Association. Which
2 at, at the time when he was serving the Association
3 that was Hi-Country 1, which is now Dansie 1 -- or
4 Dansie 15.

5 So you have, you have to look at the, the
6 timeline as to what wells were being served -- or were
7 serving the Association when the contracts were
8 written.

9 THE COURT: Okay. Just for clarification,
10 as, as I read the decision that was issued, there -- I
11 don't see a lot of explanation about all of that.
12 That's why I, I think it could be helpful, inasmuch as
13 the Commission is asked to weigh in on this matter,
14 once again, if we could have a copy of the contract.

15 Is there any reason --

16 THE WITNESS: You have that -- you have the
17 contract there. No, you don't? Oh, I'm sorry. I
18 thought you did.

19 MS. SCHMID: If I may, there's a distinction
20 between the Division and the Commission.

21 THE WITNESS: Okay.

22 MS. SCHMID: You provided information to the
23 Division, and that information has not been provided
24 to the Commission.

25 THE WITNESS: Okay. So we have provided the

1 contract to the --

2 THE COURT: Okay.

3 THE WITNESS: So. But if you -- we can
4 provide that to you as well if you need to. I --

5 MR. SMITH: We don't have any problem
6 providing that to the Commission.

7 THE COURT: Okay. Counsel, I would, I would
8 appreciate that.

9 MR. SMITH: Okay.

10 THE COURT: Thank you for your testimony
11 today, Mr. Crane, I have no further questions.

12 THE WITNESS: Thank you.

13 MR. SMITH: I have a few follow-up questions
14 if that's okay?

15 THE COURT: Sure.

16 REDIRECT EXAMINATION

17 BY MR. SMITH:

18 Q. Let me, if I can approach the witness. I'm
19 gonna show you a letter that's dated August 20, 2008,
20 and ask if that helps -- maybe do you recognize that
21 letter?

22 A. Yes, I do.

23 Q. And that's a letter that you received from
24 the Division of Drinking Water; is that correct?

25 A. That is correct.

1 Q. And is that -- are those the conditions that
2 you were talking about of what would need to be met
3 before you could hook up?

4 A. That is correct, yes. Specifically from the
5 DEQ and the Division of Water.

6 Q. Now, I want to make sure we're clear on a
7 couple things because I know there's, you know, this
8 is -- we've covered a lot of territory here today.
9 But if someone has a lot within Hi-Country Estates
10 they wouldn't need to go -- and they want to get that
11 lot -- that lot has not been hooked up to the water
12 system.

13 They wouldn't need to go through -- there
14 would be a different set of requirements for that
15 person than someone who wants to do a connection and
16 take water outside to, to new lots?

17 A. That is correct.

18 Q. Because that's -- Hi-Country Estates has
19 already been -- it's an approved water system; isn't
20 that right?

21 A. That is correct.

22 Q. However, if you were -- you know, you've
23 heard about this testimony about Lot 9 and Lot 1. And
24 that -- those are lines that would be designed to
25 serve new systems outside of Hi-Country Estates; is

1 that your understanding?

2 A. That is correct.

3 Q. And that new system would need to be reviewed
4 and approved by the Division of Drinking Water?

5 A. That is correct.

6 Q. And if you were to connect your system to
7 that system without that, what would, what would be
8 the consequences to you?

9 A. I'd probably end up at the Point of the
10 Mountain. I'm sorry, I -- there -- I'm sure that
11 there would be a fine and --

12 Q. Yeah, you'd be in violation --

13 A. I'd violate the law.

14 Q. Be in violation of the law. And, and that's
15 one of the conditions that you and Mr. Dansie -- or
16 that I should say the Association and Mr. Dansie have
17 disagreed on as far as connection?

18 A. That is correct.

19 Q. And also has Mr. Dansie, to your knowledge,
20 ever agreed to make any payment for water service to
21 the Association?

22 A. No. In fact, he's refused to even pay our
23 standby fees for the two lots within the Association.

24 Q. And that would be a condition, I would take
25 it, as payment of the regular fees?

1 A. I would -- in any business or agreement that
2 would have to be a requirement, yes. So yes, the
3 answer is yes.

4 Q. Now, you understand that if your certificate
5 of convenience and public necessity is reinstated by
6 the Commission you'll be required to serve everyone
7 within your service area; is that correct?

8 A. That is correct.

9 Q. And you understand that's something you'll
10 just have to do?

11 A. That is correct.

12 Q. And obviously if there's somebody in your
13 service area that needs a lot of water you may -- they
14 may need to pay for modifications or improvements to
15 the system, but you would have that responsibility to
16 serve them if they could do that?

17 A. That is correct. We typically limit the size
18 of lines, three-quarter to an inch. If there's
19 additional requirements for fire -- which have, you
20 know, the fire department has now placed on homes in
21 that area -- then that is reviewed and they will --
22 the additional size of line and the hookups will be
23 borne by that individual.

24 Q. Okay. And it's, and it's your view that
25 that's what the Commi -- the Association's been doing

1 is, by serving the folks it serves outside the
2 Association has been, has been serving the public?

3 A. That is correct.

4 MR. SMITH: That's all the questions I have.

5 THE COURT: Thank you Mr. Smith.

6 MR. DANSIE: Your Honor, can I see a copy of
7 that document that was given to the witness?

8 MR. SMITH: Yeah, I don't -- I only have one
9 copy but I'm happy to show it to Mr. Dansie.

10 MR. DANSIE: Can I borrow it for a minute?

11 MR. SMITH: Sure.

12 MR. DANSIE: And then I, I've just got a
13 couple of questions, follow up, if possible.

14 THE COURT: Okay. Let me turn first to
15 Ms. Schmid. Ms. Schmid, did you have any follow-up
16 questions?

17 MS. SCHMID: May I have just a moment --

18 THE COURT: Yes.

19 MS. SCHMID: -- to look at this, and then I
20 will pass it down.

21 THE COURT: Why don't we take a ten-minute
22 break and, and be back. Thank you.

23 MS. SCHMID: Thank you.

24 (A recess was taken from 10:40 to 10:48 a.m.)

25 THE COURT: Ms. Schmid, would you like to

1 proceed, please.

2 MS. SCHMID: Yes.

3 RECROSS-EXAMINATION

4 BY MS. SCHMID:

5 Q. I have just a couple of questions based on
6 the cross-examination questions that you have been
7 asked. If I were to purchase a house within the
8 service area of the water company -- so within the
9 certificated boundaries -- what would I have to do to
10 receive water service?

11 A. You would have to make application to the
12 HOA. And basically say that you wanted water service
13 sign up. And we'd have to set a meter. And basically
14 that was it. Unless there was no meter or no service
15 at that point, then -- and if you hadn't paid the, the
16 service agreement or hookup fee you would have to pay
17 the hookup fee.

18 But there's -- as far as any issue of
19 declining service to a lot within our Association,
20 there would -- we would -- that would not be even in
21 the discussion. It would be mostly, you know, This is
22 what you have to do.

23 You know, as far as meeting the environmental
24 requirements, like I say, you know, you have to have
25 your lines put in and you have to be approved to have

1 water by the, you know, the County or the...

2 Q. And, and if I bought an exis -- if I bought
3 an existing house -- they moved out, I moved in -- I
4 would do the same thing; I would apply?

5 A. Basically you would change your water service
6 over like you do in any municipality.

7 Q. And when -- then I would be a voting member?

8 A. Well, you -- once you buy the house or buy
9 the lot you become a voting member, whether or not you
10 have water service or not.

11 We have several homes up there that have
12 their own wells and they pay a standby fee. But they,
13 they also participate in the HOA as a voting member.
14 Their standby fee is collected because they are part
15 owner of the water system. So they pay that portion
16 of the --

17 Q. Through their HOA membership?

18 A. Well, the, the --

19 Q. They're part owner --

20 A. They're --

21 Q. -- through their HOA membership?

22 A. Yeah, that is correct.

23 Q. And there are different requirements if
24 I'm -- want to hook up and I'm outside the
25 certificated service area of the water company; is

1 that correct?

2 A. That would be correct.

3 Q. Okay. And you went through those. They were
4 the Division of Drinking Water requirements and things
5 like that; is that correct?

6 A. We would generally go through them to make
7 sure that it was within -- that we meet their
8 requirements as well as meeting, you know, the general
9 requirements for the State and the County.

10 MS. SCHMID: Thank you, those are all my
11 questions.

12 THE COURT: Mr. Dansie?

13 MR. DANSIE: Yes, thank you.

14 REXCROSS-EXAMINATION

15 BY MR. DANSIE:

16 Q. Mr. Crane, you've indicated that you've lived
17 there, been involved since about 1996. Is it your
18 general understanding that the Homeowners
19 Association's run by a board of directors, and -- that
20 are elected by the members, and that they have legal
21 counsel, and that they transact the business and have
22 transacted the business of the Homeowners Association
23 since 1970?

24 A. I'm gonna say since nineteen sev -- '96. As
25 far as when I moved in, yes.

1 Q. Yes, but what you're saying, you said that
2 you were concerned that there was not proper action
3 taken and so forth with regard to this matter earlier.
4 However, the Homeowners Association had directors, and
5 a president, and legal counsel, and all of those
6 things during these previous years prior to you being
7 vice president?

8 A. I did not say that. I said that I would have
9 had concerns. I didn't say that I had -- that they
10 had done anything wrong, I just would have had
11 concerns.

12 Q. No, nothing about them doing wrong. I'm
13 saying that the Association was operated by a board of
14 directors and they had legal counsel during say 1973
15 through 1986, when you came involved?

16 A. That would be -- I, I would have to make an
17 assumption and I will not do that.

18 Q. Okay. And I'd just like to ask you again.
19 You indicated that your purpose of coming back, since
20 you're on the board now and requesting the Public
21 Service Commission to take a look at reinstating their
22 certificate of convenience, that was not done to
23 circumvent the benefits of the well lease that goes to
24 Dansies as a result of the court decision?

25 A. It was not. We had discussed that with our

1 legal counsel for the past -- I'm gonna say since I've
2 been involved whether or not we want to -- wanted to
3 proceed with the PSC, and felt that it was not
4 appropriate at the time.

5 But we were considering, and had considered,
6 and had put it into our discussions with the -- with
7 legal counsel whether or not we should or not. And it
8 was made that we would hold off until after the legal
9 issues were taken care of, and then move forward with
10 the PSC.

11 Q. Can you tell me what specifically changed
12 from 1994, when you were certificated, and 1996, and
13 then after 1996 when you were decertified, what change
14 and would that impact -- what change took place that
15 would cause that?

16 A. You're asking me for a conclusion on what
17 happened prior. After I became associated with the
18 HOA and knowing what I -- or knowing, you know, I
19 would have been concerned had I known more about what
20 was happening when I first moved in. But as far as
21 what changed, I can't answer that.

22 Q. But it was not done to circumvent the
23 obligations of the well lease agreement that was
24 determined by the Court of Appeals?

25 A. No. We have sent you numerous letters,

1 including a copy of the letter that Mr. Smith provided
2 to the Court or showed the Court showing what the
3 PS -- or what the Division of Drinking Water requires
4 for the hookup, stating that we're willing to hook you
5 up as long as you comply to basically the Drinking
6 Water requirements and the fact that you would have to
7 pay for services provided.

8 THE COURT: Excuse me just one second.
9 Mr. Crane, just for correction, I did not see that
10 letter.

11 THE WITNESS: Okay, I'm sorry.

12 THE COURT: Thank you.

13 MR. SMITH: Mr. -- yeah, Mr., Mr. Dansie, I
14 think you have the letter that we're taking about.

15 MR. DANSIE: Yeah, I'm gonna, I'm gonna use
16 it and then I'll give it back to you.

17 MR. SMITH: Okay.

18 MR. DANSIE: I'll give it to the Judge in
19 just a minute.

20 MR. SMITH: Thank you.

21 Q. (By Mr. Dansie) In 1994 -- from 1994 to 1996
22 the Homeowners Association, through their president,
23 and directors, and legal counsel, made the decision to
24 reinstate the water service to Lot 43 and Lot 51 in
25 Hi-Country Estates; is that correct?

1 A. I cannot answer that because I do not know.
2 '94 to '96? I wasn't up there.

3 Q. Excuse me, I said the wrong dates. 2004 to
4 2006.

5 A. We reinstated the, the hookups to lots -- to
6 those lots, 43 and -- what?

7 Q. Fifty-one.

8 A. Fifty-one. Basically at -- with the idea or
9 with the conclusion that, Mr. Dansie, that you would
10 pay for the water. They were metered. You
11 subsequently declined paying. And they were removed
12 because of nonpayment.

13 Q. Was there ever a bill sent?

14 A. Yes. Multiple bills. And every one of them
15 come back with a statement on them saying, See
16 judgment, ya ya ya. Excuse me.

17 MR. SMITH: Judge Reif, I'm wondering kind of
18 where we're going here with all this. It doesn't seem
19 like it's addressing the points that are before the
20 Commission today.

21 MR. DANSIE: Where we're going is the
22 previous Homeowners Association presidency and
23 directors and their legal counsel authorized the
24 reconnection of Lot 41 and Lot 51 under the provisions
25 of the well lease agreement.

1 At a later date Mr. Crane and new legal
2 counsel then rescinded that and removed the meters
3 without any notice and without any bill. They were
4 providing the water service under the well lease and
5 water line extension agreement.

6 And it appears that Mr. Crane has made the
7 decision with legal counsel that they not provide the
8 benefits under the well lease and water line extension
9 agreement. And there was a two-year period in which
10 that was --

11 THE COURT: Mr. Dansie, I'm gonna interrupt
12 you for just a moment, please.

13 MR. DANSIE: Okay.

14 THE COURT: And I, I want to remind you that
15 today's hearing is about the order to show cause about
16 the issue of whether the CPCN should be reinstated,
17 and that the exclusion that was previously entered
18 should be lifted.

19 Now, I know that there's a tremendous amount
20 of history here. And I know that there's a tremendous
21 amount of disagreement between yourself and the
22 Homeowners Association. Unfortunately, however, this
23 is not the appropriate venue in which to aggravate
24 that situation or to delve into that situation in the
25 manner in which you're doing.

1 So I'm directing you to keep your questions
2 focussed on the issue that we are here to address
3 which is, as I mentioned, whether or not the HOA's
4 CPCN should be reinstated. So I will let you proceed,
5 but please, please do so with caution.

6 MR. DANSIE: Yes. My comments were only to
7 give the basis of Mr. Smith's objection for why I was
8 asking these questions pertaining to this information.
9 It was not for any other reason.

10 THE COURT: Mr. Dansie, it is unnecessary,
11 for the reasons I mentioned.

12 MR. DANSIE: Okay. Thank you.

13 THE COURT: Thank you.

14 Q. (By Mr. Dansie) This letter that -- I can
15 give this to the Judge now, too.

16 MS. SCHMID: May we go off the record for
17 just one moment?

18 THE COURT: Let's go off the record.

19 (A discussion was held off the record.)

20 THE COURT: I wish to address a couple of
21 issues that have come up with respect to this hearing
22 and the, the appropriate process. This is not a
23 public hearing in the sense that we take input from
24 the public in general.

25 So those individuals who are at the table are

1 all parties in this case, that being the Homeowners
2 Association, the Division of Public Utilities, and
3 Mr. Dansie. They have all been identified in this
4 case as parties either directly or by way of
5 intervening.

6 So they are the parties that have the ability
7 to provide testimony, to cross-examine, and to
8 participate in the hearing today.

9 If there are particular concerns from the
10 Homeowners Association members, the best way to
11 address that perhaps, since Mr. Dansie has not put on
12 his presentation today and will be given an
13 opportunity to do so, he, he can also put himself on
14 as a witness if he chooses to do so and be subject to
15 cross-examination. And if he wishes to put on the
16 testimony of anyone else, he may wish to do so.

17 To that extent, should Mr. Dansie choose to
18 call someone from the Homeowners Association as a
19 witness in this case, he is free to do so. As is
20 anybody else should they have that arrangement. So
21 let's, let's proceed with what I assume is that
22 understanding by everyone.

23 And Mr. Dansie, I believe you wanted to
24 address the letter from the Department of DEQ.

25 MR. DANSIE: That's correct. I would like to

1 make one statement before that. The information that
2 we, we have received as members of the Association and
3 also as an intervenor that this was a public hearing
4 today.

5 And it could be handled by showing up and
6 testifying, or by telephone and making comments with
7 regard to the findings of the Division of Public
8 Utilities with regard to this request for
9 reinstatement of the thing.

10 And there's been some major errors that have
11 been corrected this morning as we walked in the door
12 by the Division with regard to items. And those items
13 have major effect and have major impact on people's
14 desire, testimony, and.

15 And I believe that any member of the
16 Association should be able to provide testimony with
17 regard to the impact that this hearing and this
18 certification or decertification will have on their
19 water rates and on their bills. And I believe any
20 member is entitled to do that.

21 But that's -- I'm just making that as a
22 general statement. Now I can continue on with my
23 questions.

24 THE COURT: Actually, Mr. Dansie, if you'll
25 hold on just one second, please. I'd like to hear

1 from Mr. Smith on this matter.

2 Mr. Smith, do you, do you have a different
3 opinion about this?

4 MR. SMITH: Yeah, my understanding was the
5 same as, as the one you enunciated. That this was,
6 you know, obviously that a party could call witnesses.
7 I didn't, I didn't understand this as being a general
8 public hearing for just people from the public to come
9 and make their comments.

10 I understand there'll be other opportunities
11 to do that as we proceed along in this proceeding.
12 But that was my understanding.

13 THE COURT: And Ms. Schmid?

14 MS. SCHMID: Yes. As the notice of hearing
15 stated, I believe that this hearing should be confined
16 to the order to show cause issue. And an effect on
17 rates I do not believe has to do with whether or not a
18 water company is exempt or not. I could be wrong,
19 but.

20 THE COURT: I'm not sure -- I understood what
21 you said the first part. I'm not sure I followed the
22 second part.

23 MS. SCHMID: If I understand correctly, the
24 Supreme Court -- the Utah Supreme Court, through its
25 decision in Bear Hollow, has determined that if

1 everyone is a member, then the water company is
2 exempt. If everyone is not a member, then the water
3 company is not exempt.

4 And I believe it is that exemption issue that
5 is before us today. If there are rate changes needed,
6 those would be appropriate for a rate case hearing,
7 not today.

8 THE COURT: I completely agree. I don't
9 think there's any, any issue regarding that.

10 And Mr. Dansie, I think there's a general
11 misunderstanding on your part and maybe on the part of
12 others who are present. And I would ask you, sir, if
13 you could please have a seat.

14 That this is not a public hearing. This is,
15 this is a hearing on a specific issue. I, I
16 reiterated it at least twice already what we're here
17 to hear.

18 And I, in essence, allowed you the
19 opportunity to, when it comes time for you, if you
20 wish to call a witness to testify on a particular
21 issue you are welcome to do that, as long as it is
22 limited to what this hearing is pertaining to.

23 So with that, you are welcome to proceed.
24 But this hearing is not a public hearing where we take
25 public input and each, each person speaks about what

1 they think about the situation. Those individuals who
2 have an interest are parties to the case. You have
3 intervened, thereby making yourself a party. Do you
4 understand?

5 MR. DANSIE: Yes, your Honor.

6 THE COURT: Okay, thank you. Please proceed.

7 MR. DANSIE: Are we limiting our discussion
8 today then to the order to show cause to whether
9 there's memberships -- on the membership issue only
10 then? Whether all the people in the Homeowners
11 Association and that are receiving water service are
12 members, is that what we're limiting this hearing to?

13 THE COURT: Sir, we're limiting the hearing,
14 as it states in the notice of hearing, to the issue of
15 whether or not the exemption should be lifted and the
16 certificate of public convenience and necessity be
17 reinstated.

18 There may --

19 MR. DANSIE: Is that, is that based on the
20 findings of the Division of Public Utilities that 123
21 are members and 9 were not members and did not want to
22 be members and some did not want to grant membership;
23 is that the limitation of the issue then before us
24 today?

25 THE COURT: Not entirely. The, the reason

1 that we're here is based in part by the Division's
2 memo, which teed up the issue and notified the
3 Commission that there, there may be an issue here. So
4 that's what we're here to discuss is whether or not
5 this entity, Hi-Country Estates Homeowners
6 Association, should have their CPCN reinstated.

7 There, there are many different aspects of
8 that issue, and the, the issue about their findings
9 may be part of that. And if, if you, if you have
10 reason to contest that, then you can put that on as
11 part of your presentation.

12 MR. DANSIE: I'll be glad to go forward, but
13 we're, we're gonna be talking about whether water
14 service should be provided to Lot 51 and Lot 43 as per
15 our request. And yet we're saying that we're limiting
16 to this issue to the -- or you didn't say that, I
17 maybe interpreted it.

18 Limit it to the issue that the
19 recommendations of the Public Service Commission with
20 regard to members and nonmembers and whether they
21 should be reinstated because of lack of members by all
22 of the parties that receive water.

23 THE COURT: Sir, here, here's what we're
24 gonna do. Mr. Crane is on the stand right now, and he
25 is subject to your cross-examination.

1 MR. DANSIE: Okay. Understand.

2 THE COURT: Rather than you ask me questions,
3 your opportunity now is to ask Mr. Crane questions.
4 You're cross-examining him on the testimony in which
5 he has given. This is not a free for all. You don't
6 get to just go anywhere you want. You have to limit
7 your testimony to the reason why we're here today.

8 So with that in mind, please proceed. And if
9 necessary I will interrupt you and make further
10 clarification as needed. Okay?

11 MR. DANSIE: Fine. I only have a couple of
12 questions with regard to this letter and then I would
13 like to put on some testimony, too, at that point.

14 THE COURT: Okay, sir, let me just be sure.
15 Right now Mr. Crane is the stand, okay? We're gonna
16 take one thing at a time. So right now you have the
17 opportunity to cross-examine him. When he is finished
18 Mr. Smith has the opportunity to proceed if he has
19 other, other individuals he wants to put on.

20 If he doesn't, then, then you will have the
21 opportunity to present and to also be up here -- if
22 you wish to testify, you will be subject to
23 cross-examination. So we'll just take everything a
24 step at a time, okay? So --

25 MR. DANSIE: Yes. Thanks, your Honor.

1 THE COURT: -- please proceed.

2 MR. SMITH: For further --

3 MR. DANSIE: Mr. --

4 MR. SMITH: For clarification why don't --
5 I'm gonna make a suggestion that we mark this April --
6 I'm sorry, August 20, 2008, letter from DEQ as HOA
7 Exhibit 2, and that way we'll know what we're
8 referring to on the record.

9 THE COURT: Very good. That's --

10 MR. SMITH: Unless somebody has an objection
11 to that.

12 THE COURT: Thank you. I'm assuming no
13 objection? Thank you.

14 Q. (By Mr. Dansie) Mr. Crane, with regard to
15 this letter of August 20, 2008, it says: Process for
16 additional connections to the water system 18417
17 (sic.) Have you had additional letters from the
18 Division of Environmental Quality and Division of
19 Drinking Water with regard to additional connections?

20 A. Not that I am aware of.

21 Q. Do you recall receiving a letter and a copy
22 being sent to your counsel with regard to Lot 43 and
23 Lot 51, particularly where the Division indicated
24 there was no additional requirements necessary?

25 A. I do remember that, yes.

1 MS. SCHMID: I --

2 Q. (By Mr. Dansie) Could you describe it and
3 tell us what it recovered?

4 A. As far as in detail, no.

5 THE COURT: Mr. Crane, please hold for just a
6 moment.

7 MS. SCHMID: I believe that that is perhaps
8 taking what I said a little bit broader. There are
9 contract issues, it appears, to affect whether or not
10 the connection should be reinstated. And here is not
11 the place for that.

12 What I was referring to was a simple person
13 was receiving service. Next person steps in and buys
14 the house.

15 THE COURT: Thank you Ms. Schmid.

16 MR. DANSIE: I think that ties right in with
17 what you've said. We were receiving service at Lot 51
18 and Lot 43. When Mr. Crane became vice president our
19 service was terminated. And we were receiving the
20 service subject to the well lease and water line
21 connection agreement. It's been terminated. The
22 Division of Utilities, the Division of --

23 THE COURT: Mr. Dansie, how, how does this
24 question go to the issue of the CPCN?

25 MR. DANSIE: I don't -- it doesn't go any

1 more --

2 THE COURT: Okay.

3 MR. DANSIE: -- than what's already been gone.

4 THE COURT: All right, next question.

5 MR. DANSIE: Okay.

6 Q. (By Mr. Dansie) Mr. Crane, have you denied
7 water service to Lot 51 and Lot 43 based on your
8 advice and your advice of your attorney?

9 A. We have denied -- or we have severed or I
10 guess removed the capability of serving water to those
11 two lots because of nonpayment.

12 Q. Are you aware that the Court of Appeals has
13 ruled, and the Supreme Court denied *certiorari*, that
14 says that you provide water to the Dansies in two
15 processes: One, free water, 12 million gallons per
16 year. Two --

17 THE COURT: Mr. Dansie --

18 MR. DANSIE: -- transportation.

19 THE COURT: -- I'm gonna interrupt again.

20 MR. SMITH: Thank you.

21 THE COURT: If -- I'm gonna ask you one last
22 time to please focus on what the issue is. This is
23 not -- this is, this is not an open forum for you to
24 address arguments and issues about what a particular
25 decision said, or.

1 This is a very limited hearing in scope. So
2 do you have another question, sir?

3 MR. DANSIE: Yes.

4 Q. (By Mr. Dansie) Exhibit 2 is titled:
5 Process For Additional Connections to Hi-Country Water
6 System. Have you, as the president of the
7 Association, denied water connection to Dansies'
8 Lots 51 and 43 in Hi-Country Estates under the well
9 lease and water line extension agreement?

10 MR. SMITH: I'm gonna have to interpose an
11 objection. I think we're -- Mr. Dansie cannot seem to
12 leave alone a topic that's not properly before the
13 Commission today.

14 THE COURT: Sustained. Mr. Dansie, your
15 question is not allowed. And I, I'd like you to wrap
16 this up, please.

17 MR. DANSIE: Be glad to do that.

18 Q. (By Mr. Dansie) Mr. Crane, based on your
19 examination from legal counsel you indicated that
20 there was 12 million gallons of free water under the
21 well lease agreement and transportation, two issues;
22 is that correct?

23 A. Um.

24 THE COURT: Mr. Dansie, how does that go to
25 the issue of the CPCN?

1 MR. DANSIE: It's response to what Mr. Smith
2 cross-exam -- or examined Mr. Crane on. Specifically,
3 I have my notes here, the water systems provides two
4 things, and Mr. Crane said 12 million gallons of free
5 water and transportation.

6 We can have the recorder read it back if need
7 be. If you want, we can discontinue this issue today
8 if we're only talking about the members and nonmember
9 services. But we've gotten off onto this other
10 tangent, and there's a lot of testimony's --

11 THE COURT: Sir --

12 MR. DANSIE: -- been taken and we need to
13 strike it then.

14 THE COURT: Sir, for clarification. I don't
15 think that we have gotten off on a tangent. I, I
16 think that you may be misguided in your understanding
17 of the scope of this hearing.

18 And with that being said, if, if you don't
19 have any further questions that pertain to the CPCN I
20 am going to, I'm going to suggest that your
21 questioning be discontinued and that we proceed with
22 the hearing.

23 MR. DANSIE: Let's proceed.

24 THE COURT: Okay, thank you.

25 Counsel, I had a couple of additional

1 questions that I'd like to ask Mr. Crane. Do you mind
2 if I do that now?

3 MR. SMITH: No, that'd be, that would be
4 fine.

5 THE COURT: Okay. Mr. Crane, first of all
6 thank you for being patient and, um. I, I want to ask
7 you to -- this is sort of a hypothetical. And let,
8 let's assume that the Commission decides to reinstate
9 your CPCN.

10 Why, why, why would it be relevant, given
11 what you've testified today that Mr. Dansie is outside
12 of your service area -- that the area that he requests
13 water is outside your service area, why would
14 Mr. Dansie's issues even be relevant?

15 THE WITNESS: As far as his connection up to
16 our system, or?

17 THE COURT: Yeah, assume -- let's assume
18 that, based on the testimony today, that being what
19 the Division has presented, which is -- and, and that
20 you, you've directly stated that you're providing
21 service to the public as -- in general.

22 And assuming that the Commission were to use
23 that as a basis to determine that yes, in fact, the
24 CPCN should be reinstated. How -- or why, why are,
25 why are Mr. Dansie's claims even relevant to the issue

1 that's pending before the Commission?

2 And in particular his desire to have water
3 served to, to his property. Which I believe you said
4 is outside of your service area. So I'm just, I'm
5 just trying to better understand the scope of, of what
6 you're trying to accomplish.

7 THE WITNESS: Basically we want to comply
8 with the, with the, with the Division of Drinking
9 Water. Also to ensure that, as we go forward, that --
10 I'm gonna s -- that our homeowners are protected
11 against rate increases and delivery of free water.
12 Which we do not believe is, is, you know, basically in
13 the public interest that, you know, somebody gets
14 something for free.

15 THE COURT: Uh-huh.

16 THE WITNESS: I don't know if that's what
17 you're asking, or.

18 THE COURT: Um.

19 THE WITNESS: I'm, I'm trying to -- I know
20 the question is hard, but.

21 THE COURT: Well, basically what I'm, what
22 I'm after is, you know, if your CPCN is reinstated,
23 and you have this third party, the Dansies, requesting
24 water but it's outside of your service area, outside
25 of your -- and I'm assuming that means your, your CPCN

1 certificate -- certificated area -- why would it be
2 even relevant that those claims exist for purposes of
3 the Commission's decision?

4 THE WITNESS: In other words, if we are
5 basically reinstated that the Commission would look at
6 that and say that the connection cannot be made?

7 THE COURT: No. What I'm saying is that why,
8 why would Mr. Dansie even be relevant if he's not
9 within your service area?

10 MR. SMITH: And I -- if I could interject.

11 THE COURT: Sure.

12 MR. SMITH: I don't know. Do you know if
13 he's -- if, you know, Mr. Dansie, as I understand,
14 owns a lot of property surrounding the, the Hi-Country
15 Estates Subdivision, correct?

16 THE WITNESS: There's a fair amount. I think
17 somewhere around 300 acres to the east of ours and the
18 two 40-acre lots to the west of ours.

19 MR. SMITH: Do you know, do you know whether
20 those -- any of that land is included within the --
21 this is a description that was done back in like 1986.
22 And I've got the -- it's a very long legal description
23 we have that's part of the record. Do you know if
24 that land's in or outside of that?

25 A. I believe it -- well, the, the area that is

1 defined on this map is what we consider to be our
2 service area, and his property is not within that
3 area.

4 Q. But do you know if that corresponds with this
5 description that's in the, one of the previous orders
6 of the Commission?

7 A. I have not reviewed that. I'm sorry, Craig.

8 MR. SMITH: That's something I don't know, I
9 mean, I don't know if that's a factor. I don't know
10 if his land's in or out. And I just wanted to point
11 out I don't --

12 THE COURT: Okay.

13 MR. SMITH: Maybe that's something we
14 probably need to check into.

15 THE COURT: Yeah, I think that's a good
16 point. And I, I too am familiar with that metes and
17 bounds description, and I think that would be
18 difficult for anybody to figure out.

19 MR. SMITH: Yeah. I think what, you know,
20 what I would suggest that we need to do is probably
21 have that plotted out on a map and submit that to the
22 Commission.

23 THE COURT: I would really appreciate that.
24 I think that that could --

25 MR. SMITH: Help us.

1 THE COURT: -- help us tremendously.

2 MR. SMITH: Yeah.

3 THE COURT: So -- okay. The other thing I
4 wanted to ask you, Mr. Crane -- and thank you,
5 Mr. Smith, for offering that -- is you've mentioned a
6 few times about public interest.

7 And public interest is, is an element that
8 the Commission focuses on for purposes of its
9 decisions. And in many ways we, we want to ensure
10 that the public interest is served by the decisions
11 that the Commission makes.

12 And you mentioned public interest probably a
13 few times already. That you felt that it was in the
14 public interest to make the decision to have the CPCN
15 reinstated. And I'd like you to elaborate on that a
16 little bit.

17 Help me understand -- help the Commission
18 understand what you mean by that. And in particular
19 what public interest would be served by reinstating
20 your CPCN.

21 THE WITNESS: There, there are several
22 reasons why. And I'm gonna -- one of them is to --
23 for us to have verifiable rates that have been vetted
24 properly by a government entity such as the PSC.

25 We have had several discussions from HOA

1 members as to why we have rates as high as we do and
2 why we have rates as low as we do. And we have
3 discussed that but, you know, it's just a, it's a
4 decision by the board and the water board that is made
5 to establish those rates.

6 By having a outside service vet those rates
7 it will provide a little bit better understanding as
8 to why they are there.

9 The other is if -- we want to ensure that
10 everybody that's being served -- or my desire,
11 everybody that's being served water from our system
12 from the HOA is being treated fairly. And that they
13 are receiving water at the rate that they're supposed
14 to be receiving it at. And not being charged for
15 somebody that is not paying for the service.

16 And that's basically the public interest, is
17 those issues that -- we want to, you know, I'm, I have
18 a desire to take the burden off the back of the
19 directors and, and have somebody else vet the, the
20 HO -- or the water rates. You know, it makes it
21 easier for us as, as non-paying -- or non-paid
22 individuals within the HOA.

23 And also it gives some security to the
24 homeowners, as well as the individuals that we are
25 serving, that we're not, you know, building up a cash

1 fund that is not necessary. Or that we are not paying
2 attention to the requirements of the system. And, and
3 are, you know, to ensure that we have the funds going
4 forward to make sure that we are maintaining.

5 You know, as you know, people call coffee the
6 nectar of gods. Well, I think water is the nectar of
7 the gods because we all have to have it. And the
8 water system is vital. And we have to ensure that,
9 that as we go forward it is, one, affordable.

10 That's, you know, one of the things that's in
11 the public interest is it is not outside the range of
12 the people that live within the boundaries. So it's
13 basically to ensure that everybody's being treated
14 fairly.

15 And we have individuals inside and outside
16 the HOA that are being served water. And we want to
17 ensure that they are taken care of as well as the
18 homeowners are being taken care of and addressed.
19 Does that answer your question, or?

20 THE COURT: Yes, yes. Thank you, Mr. Crane,
21 I appreciate you elaborating on that for me.

22 And I don't have any further questions. Are
23 there any, any follow up that would like to be made?

24 MR. SMITH: I don't have any follow up for
25 Mr. Crane.

1 THE COURT: Okay. Mr. Crane, thank you for
2 being here today and for your testimony. You may step
3 down.

4 THE WITNESS: Thank you.

5 MR. SMITH: We have one additional witness,
6 Mr. Stephen Olschewski. I'd like to call him at this
7 time.

8 THE COURT: Okay.

9 MR. SMITH: And while he's coming up, I've
10 just been looking at this description. And it appears
11 it does include, that being Section 5, it appears it
12 goes -- the description goes all the way to the -- it
13 says in the description goes all the way to the
14 southwest corner of Section 5, which would be beyond
15 the HOA limits there.

16 So we'll get that figured out. But it
17 appears that we do go beyond, as far as our
18 certificated area, does go onto Mr. Dansie's property.

19 THE COURT: Okay, thank you. That will be
20 helpful when you're able to clarify that.

21 MR. SMITH: Clarify that more. That's just
22 my, my quick reading.

23 Mr. Olschewski, could you state your name and
24 address for the record?

25 THE COURT: One, one moment, please.

1 MR. SMITH: Oh, I'm sorry.

2 THE COURT: I'd like to --

3 MR. SMITH: Okay.

4 THE COURT: -- swear him in, please.

5 MR. SMITH: Yeah, thank -- I'm sorry.

6 THE COURT: Mr. Olschewski, would you do me a
7 favor and stand and raise your right hand, please?

8 MR. OLSCHESKI: Yes.

9 (Mr. Olschewski was duly sworn.)

10 STEPHEN OLSCHESKI,

11 called as a witness, having been duly sworn,

12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SMITH:

15 Q. Could you state your name and address for the
16 record?

17 A. Yes, Stephen Olschewski. My address is
18 14050 South 7570 West, in Herriman. As pertaining to
19 this we're on Lot BA -- Beagley Acres 3.

20 Q. Okay. And could you spell your name? I bet
21 the court reporter will like me a lot better if I have
22 you spell your name.

23 A. Yes. It's O-l-s-c-h-e-w-s-k-i. First name
24 Stephen, with a "ph."

25 Q. (By Mr. Smith) Thank you. Could you just

1 take a look at Exhibit 1 and point out approximately
2 where your residence is located, if it is on
3 Exhibit 1? HOA Exhibit 1.

4 A. I'm not really familiar with the map, I don't
5 know where our area is here. It's the 40 acres that's
6 just adjacent to Hi-Country.

7 Q. I'm gonna -- to save some time I'm gonna --

8 A. In here?

9 Q. Yeah, that area there I think is.

10 A. Okay. It would be -- I think I'm right here.

11 Q. Yeah, you --

12 A. I believe that's...

13 Q. This is kind of the main road into the HOA.
14 This is the road that has -- was a dirt road.

15 A. The dirt road.

16 Q. Dirt road.

17 A. Uh-huh.

18 Q. So that would be your, your property right
19 there?

20 A. I believe so.

21 Q. And it's outside of the Homeowners
22 Association; is that correct?

23 A. Yes, it is.

24 Q. And you're not -- are you a member of the
25 Association?

1 A. No.

2 Q. Do you want to be a member of the
3 Association?

4 A. No, sir.

5 Q. Do you feel like you have any legal
6 obligation to belong to the Association?

7 A. No.

8 Q. Now, you heard some testimony earlier
9 about -- or some comments earlier about some deeds or
10 some purchase contracts. Can you shed any light on
11 whether you feel like you have any kind of -- why you
12 don't feel like you -- why you do not believe you have
13 a legal obligation to join the Association?

14 A. Yes, I can. The real estate document that
15 was referred to earlier between Larry Beagley, Esther
16 Beagley, and Dr. Bagley did state in there that the
17 property owners within that 40 acres would, in fact,
18 become members of the Association.

19 Subsequent to that agreement there became a
20 dispute over payment of certain fees, garbage and so
21 forth. And there -- at that time there was a case
22 brought before the District Court between the
23 Hi-Country Homeowners Association and Larry and Esther
24 Beagley.

25 And it was agreed upon mutually between both

1 parties, the Association and Larry and Esther, that
2 they would not participate in the use of any of the
3 services of Hi-Country like garbage collection and so
4 on, and thereby it was established that also they
5 would not be members of the Association.

6 And so that was changed at that time, and
7 agreed and stipulated as such by the judge in the
8 District Court. And ever since that time we've never
9 been members of the Association. Never have been.
10 Never had any voting rights or anything else.

11 But we do receive water service and we do use
12 the road, and so therefore we pay the assessments for
13 those services.

14 Q. How long have you lived in that -- the
15 location that you pointed out on exhibit -- on
16 Homeowners Exhibit No. 1?

17 A. Since 1985.

18 Q. So you're pretty familiar with that area, I
19 take it?

20 A. Yes.

21 Q. And you just testified that you get water
22 service. And you pay for that, I take it?

23 A. Yes, we do.

24 Q. Do you have any, any say in how much the
25 charge of that is for you?

1 A. No.

2 Q. If you're unhappy with the way the service is
3 do you have any right to go complain to anybody about
4 it?

5 A. No. We just grin and bear it.

6 Q. Yeah. You understand that the purpose of
7 this is to whether or not the water company HOA should
8 be regulated by the Public Service Commission. You
9 understand that's the purpose of the hearing today,
10 correct?

11 A. Yes, I do.

12 Q. Would you like to have that protection?

13 A. Yes.

14 Q. And why?

15 A. Well, just for the simple fact that it --
16 being regulated by the Public Service Commission, just
17 like what Mr. Crane stated there, that you know that
18 the, the rates and the tariffs and everything are
19 being properly regulated. And we would feel like that
20 was the proper way to have it.

21 Q. Uh-huh. Now you, you're not the only
22 Mr. Olschewski?

23 A. No.

24 Q. There's some others that live close to you,
25 right?

1 A. That's correct. My father Helmut and my
2 brother Daniel.

3 Q. And do you know what their feelings are on
4 this?

5 A. The same as mine.

6 Q. And they're also -- they also live there and
7 pay for the water service?

8 A. Yes, they do.

9 MR. SMITH: Thank you. That's all the
10 questions I have for Mr. Olschewski.

11 THE COURT: Thank you Mr. Smith.

12 Ms. Schmid, do you have any questions?

13 MS. SCHMID: Just one.

14 CROSS-EXAMINATION

15 BY MS. SCHMID:

16 Q. And earlier today declarations were
17 presented. One by Stephen Olschewski, one by Helmut
18 Olschewski, sorry, and Daniel Olschewski?

19 A. Yes.

20 Q. And Daniel and Helmut who presented these
21 declarations are your brother and father, correct?

22 A. Yes, that's correct.

23 MS. SCHMID: Thank you. That's my only
24 question.

25 THE COURT: Thank you. Mr. Dansie?

1 MR. DANSIE: Yes, your Honor.

2 CROSS-EXAMINATION

3 BY MR. DANSIE:

4 Q. Hi Mr. Olschewski. I have a few questions
5 for you.

6 A. Okay.

7 Q. Where are you -- where's your 40 acres --
8 what government agency has control of your 40 acres,
9 Salt Lake County or Herriman City?

10 A. Salt Lake County.

11 Q. You're in Salt Lake County?

12 A. Uh-huh.

13 Q. You are not part of Herriman City at the
14 present time?

15 A. No.

16 Q. You've never been annexed in?

17 A. No.

18 Q. Okay, thank you. If I were to tell you that
19 the rates that would be set under Public Service
20 Commission jurisdiction might cost a little bit more
21 because of the regulation would you be willing to pay
22 those rates?

23 A. Yes.

24 Q. You would, okay. Do you feel that the rates
25 that are being set by the Homeowners Association are

1 unfair in any way now?

2 A. No.

3 Q. But you would be willing to pay more to have
4 them reviewed?

5 A. Well, just for the, the additional regulation
6 knowing that it comes under the umbrella of the Public
7 Service Commission. And that they would certainly be
8 administering, as has been stated here today, to the
9 best interest of all who were involved.

10 Q. Can you, can you give me a little history of,
11 start out with the development of the 40 acres and
12 where it came from, and how the water service was
13 first, first provided, and any agreements you may be
14 aware of that talked about that?

15 A. If I recall correctly, within that original
16 real estate contract when Larry Beagley and Esther
17 Beagley purchased the property from Dr. Bagley it was
18 also a stipulation that he would install a water line
19 to serve numerous connections in -- within that area.

20 And then once it was done it would be --
21 become part of the Hi-Country water system. And
22 that's, that's what was done.

23 Q. Did you -- did the Beagleys in fact install
24 the water lines themselves?

25 A. Yes.

1 Q. Did they, at a later date, sign the water
2 lines over to Hi-Country Estates Water or Foothills
3 Water?

4 A. I don't know that for sure. We had someone
5 that came out and inspected everything at the time
6 that the line was being installed. And it was all
7 approved, and then at that point it was turned over to
8 whatever entity. I don't remember what that would
9 have been.

10 Q. Do you recall the Beagleys signing any
11 agreements that turned the water lines and the
12 easements over to Hi-Country Estates Homeowners
13 Association in about 1996?

14 A. I don't. I'm not aware of it.

15 Q. Okay.

16 MR. DANSIE: Well, I would just make a note
17 that we would ask the Division of Public Utilities to
18 look in their records and their requests and see if
19 there's any statements that are signed by the Beagleys
20 and the Olschewskis that turn the water lines and the
21 right-of-ways and the easements over for -- over to
22 the Homeowners Association to be provided service.

23 Q. (By Mr. Dansie) Can you tell me when --
24 where the water first came from when you, when you --
25 when the first homes were built in the Beagley Acres

1 Subdivision in the 1970s?

2 A. I wouldn't know. It was just from whatever
3 well was servicing the area at the time, I'd assume.

4 Q. Uh-huh. And do you recall you paid a
5 connection fee to either Bagley or Hi-Country Water
6 for each house that was built there?

7 A. Yes.

8 Q. You did pay a connection fee?

9 A. I believe so.

10 Q. And that may be in the Division of Public
11 Utility's request and informations that was signed --

12 MS. SCHMID: If I may, I'm not sure how that
13 is relevant to the question before us today, which is
14 the CPCN issue. And so I am objecting.

15 THE COURT: Mr. Dansie, just based on what
16 I've heard so far I would generally agree. I'm gonna
17 give you an opportunity to explain the basis for your
18 questioning, and then I'll make a ruling.

19 MR. DANSIE: I appreciate that opportunity.
20 The property was developed as Hi-Country Estates
21 Phase I, Beagley Acres and South Oquirrh. It was all
22 owned by one development entity: Charles Lutton,
23 Gerald Bagley, and Mr. Spencer.

24 THE COURT: Mr. Dansie, how does this go to
25 the issue of the CPCN?

1 MR. DANSIE: It goes to the issue that the
2 water rights that serve these properties and when you
3 build a house you have to have a water right or have a
4 connection. These people paid a connection fee and
5 they paid it to Hi-Country Estates Water and Gerald
6 Bagley for that service.

7 When they did that they accumulated rights
8 that went with their land for perpetual water service.
9 That's the whole issue that we're talking about. They
10 were members but they're non-members. The Hi-Country
11 states area has restrictive covenants, this area does
12 not have restrictive covenants.

13 That's the only difference. The water came
14 from the initial water right from the development from
15 the approvals of Salt Lake County. And everyone came
16 from the initial water right that --

17 THE COURT: Mr. Dansie, where the water came
18 from is not at issue. Okay? So I'm, I'm going to
19 sustain the objection that's been made.

20 MR. DANSIE: Fine. That's fine.

21 THE COURT: And I'm going to invite you to
22 continue. And I'd like to remind you to please be
23 respectful of the process.

24 MR. DANSIE: Yes, sure.

25 THE COURT: And thank you.

1 MR. DANSIE: Can I, can I go up to the map,
2 your Honor?

3 THE COURT: You may.

4 MR. DANSIE: Thank you. And I realize this
5 is probably a little -- do you have a pointer? This
6 is probably a little bit hard for some people to
7 understand. In 19 -- and this is important because it
8 ties back to the water right, the water tank, and
9 the --

10 THE COURT: Mr. Dansie, I want you to take a
11 seat, please.

12 Mr. Dansie, if you have specific questions
13 relating to the CPCN and to Mr. Olschewski's
14 testimony, you're welcome to continue to question him.
15 This is not an opportunity to make general statements
16 about knowledge or beliefs about water rights or other
17 things.

18 This is a very narrow issue. And perhaps
19 there will be another venue for you to address your
20 other concerns, but this is not that place. Okay?

21 MR. DANSIE: Sure.

22 Q. (By Mr. Dansie) Mr. Olschewski, do you
23 believe that you acquired certain rights based on the
24 payment of your money for a connection fee to the
25 Hi-Country Estates Water -- water system at the time

1 your -- you and your family purchased and paid hookup
2 fees to the water system?

3 A. I don't really even recall whether we did pay
4 a hookup fee. At that time things weren't really
5 regulated, and I don't remember outside of just the
6 simple fact that it was connected. I don't think
7 there -- there were not even any meters installed. So
8 I don't know that we did pay a fee.

9 Q. I don't have the document I can point out.
10 There are copies in the --

11 THE COURT: Mr. Dansie, is this a question?

12 MR. DANSIE: It will be, yeah.

13 (Pause.)

14 THE WITNESS: My testimony here is merely
15 just to establish the fact that we're not members of
16 the Association, never have been. It was agreed to by
17 the then-directors of the Association, and the
18 District Court, and Larry and Esther Beagley that they
19 would -- that part of the agreement would be null and
20 void. That we would not be members of the
21 Association. And retain no voting rights or, or
22 anything else. We're just adjacent to the
23 Association.

24 As to the road, we have an agreement with
25 Hi-Country to use the road for the purpose of ingress

1 and egress until such time that the other road that
2 borders the property would become accessible, which to
3 this time is still not available. So that's why we
4 pay assessments to the Association.

5 Q. (By Mr. Dansie) And those assessments are
6 the same as any other member pays?

7 A. I wouldn't know that. I -- we pay whatever
8 we're assessed.

9 MR. DANSIE: I'd like to proffer that, based
10 on the documents that were submitted by the Division
11 of Public Utilities to me on their request for
12 information responses, that the fees are the same.
13 Other than garbage. I think garbage service you pay.

14 MS. SCHMID: I don't -- one moment. May I
15 have a moment?

16 (Pause.)

17 MS. SCHMID: Never mind.

18 THE COURT: Thank you.

19 MR. DANSIE: I would like to proffer that
20 those fees are the same. The only difference is they
21 don't have a voting right.

22 Q. (By Mr. Dansie) You, you indicated you don't
23 have a voting right --

24 A. That's correct.

25 Q. -- but you pay the same fees. So you pay for

1 the services but you just don't vote?

2 A. That along with the fact that we're not
3 members of the Association. As Mr. Crane stated, we
4 don't attend any of their meetings. We have no
5 affiliation outside of the water service there and the
6 use of the road.

7 Q. But you use the roads?

8 A. Yes.

9 Q. And the bridle paths?

10 A. What is the bridle path?

11 Q. I don't know. That's just things they have
12 there. Any -- and you will receive any benefits from
13 whatever the Association does, other than you're not a
14 member?

15 A. We're not --

16 Q. You don't vote?

17 A. We're not contiguous to the Association there
18 by property boundaries, so whatever they would do
19 within the Association I don't know that it would
20 affect us.

21 Q. Okay. And you don't recall whether you paid
22 connection fees and received the right to receive
23 water service from Hi-Country Phase I when you
24 purchased the properties?

25 A. I don't -- actually, I don't believe we did.

1 Because, as I said, there was not any -- there was not
2 even any meters installed at the time. Things hadn't
3 been really even regulated.

4 THE COURT: Mr. Dansie, if I might interject,
5 please. And, and I know that this must be
6 frustrating. I don't see where this testimony is
7 going, number one. And number two, I don't think it
8 has anything to do with the issue of the order to show
9 cause.

10 So Mr. Olschewski has kindly reiterated his
11 testimony. He has specified the particular reason why
12 he's here to give that testimony. I, I find your
13 interrogation of him unnecessary. And unless there is
14 a question that you have that is pertaining to the
15 CPCN, I'm going ask that we consider your testimony
16 conclude -- or excuse me, your cross-examination
17 concluded.

18 MR. DANSIE: That's fine, you can -- it is
19 completed. Let me just say, you have not given me an
20 opportunity to explain why this is an important issue.
21 But that's fine, I'm sure we'll have more
22 opportunities later. That's fine, we can discontinue
23 the cross-examination.

24 THE COURT: Well, if you think it's important
25 and you think it's relevant, then explain to me why it

1 is.

2 MR. DANSIE: I think it's very important and
3 it's very relevant -- reverent. The water system, the
4 water rights, and all the pipes and facilities that
5 the Applicant is requesting be put into a Public
6 Service Commission-controlled water system stems from
7 these water rights that were originally put there, and
8 which Mr. Olschewski paid money to receive the benefit
9 of.

10 And, and he has a right that ties back to
11 that. It's the way the property was developed, the
12 way the water system was developed, and the way it was
13 there. And to exclude it now would be shortsighted
14 and, and not covering the full purposes for which
15 these people have received water.

16 They just don't get to receive water unless
17 they pay a connection fee. And that was happening in
18 1970. They paid a connection fee. They paid --
19 signed service agreements. And they also signed their
20 properties over to the Homeowners Association to
21 receive water service.

22 And they waived the right for a vote because
23 they didn't want restrictive covenants on their
24 property. And that's fine. But this ties back to
25 we're talking about when you get a water company you

1 have to have a water right, you have to have a service
2 area, and you have to have facilities and ownership of
3 those facilities.

4 And all these people contributed to that
5 water system and those ownership facil -- of those
6 facilities, and they have vested rights that come back
7 to them. Now, if they waive their membership to
8 vote -- or their -- waive their voting rights, that's
9 fine. But they do have membership based on those,
10 even though the restrictive covenants are not
11 controlled on their property.

12 That's the difference. And I -- and that's
13 very important. It will be important when the case
14 finally shakes down. So I can give you that
15 explanation, and beyond that I can't tell you anymore.
16 It's partly because we don't have all the information
17 that we need.

18 And we received some of it today. And we
19 received some modifications. And we should have an
20 opportunity to respond and clarify those questions on
21 the Division's recommendation. The Division's
22 recommendation is probably not solid based on what's
23 been given so far.

24 There's changes that have been made. And
25 there's changes that have not been brought to light

1 yet either through, one, the Applicant not giving all
2 the information, or the Division not understanding all
3 the information, or possibly some misrepresentations
4 somewhere along the way.

5 Because these water rights and this water
6 system was developed by one group. And that water
7 system provided the water service to the Beagleys to
8 start with. And they're still part of that system
9 which was quieted to them by the Court.

10 The Court quieted all those water facilities
11 to Hi-Country Estates Homeowners Association,
12 including the Beagley Acres along with their
13 signatures that they had signed over the water, the
14 water lines and the easements.

15 So that's my explanation, and it'll be
16 important as the case goes on.

17 THE COURT: Mr. Dansie, I appreciate your
18 explanation. And I, I wanted to check with the
19 parties. Were there any comments or any -- anything
20 that you -- I got the impression there may be
21 something, but.

22 I will -- I've noted your concerns, sir. And
23 I understand that you have a tremendous amount of
24 history with the Homeowners Association and with this
25 water issue. This may be something that relates in

1 general, but it doesn't relate to this hearing.

2 And so I, I disagree with you that it, that
3 it goes to the issue that we're addressing. And so I
4 believe that -- did that conclude your, your question
5 that --

6 MR. DANSIE: My cross-examination --

7 THE COURT: Yes, sir.

8 MR. DANSIE: -- and my explanation of, of the
9 issue of re -- regranting the certificate of
10 convenience and necessity. It's very difficult to
11 have a water system and not have a water right and
12 lines and facilities. And the person that makes that
13 application to come in and be a regulated company has
14 to have ownership of all those facilities.

15 THE COURT: Mr. Dansie, you're gonna get an
16 opportunity very soon to put on your presentation.

17 MR. DANSIE: Okay.

18 THE COURT: And you're welcome to do that at
19 that time.

20 MR. DANSIE: I was trying to clarify.

21 THE COURT: Again, I, I'd like to remind you
22 that that presentation should be limited to the order
23 to show cause. I, I believe your questioning is --
24 you have finalized your questioning; is that correct?

25 MR. DANSIE: That's correct.

1 THE COURT: Okay. Thank you sir. I have no
2 questions.

3 MR. SMITH: I have just a couple -- sorry. I
4 have just a couple follow-up questions.

5 THE COURT: Okay.

6 REDIRECT EXAMINATION

7 BY MR. SMITH:

8 Q. I assume, Mr. Olschewski, that your water
9 service is important to you and your family?

10 A. Yes.

11 Q. And you don't have any other source of water
12 for drinking water purposes other than this?

13 A. We do. We have our own well as well.

14 Q. Okay. And what if, what if the, the. What
15 if you got in, you know, if you were to get into some
16 sort of a dispute with the HOA do you think they could
17 just cut you off from -- could they cut you off from
18 service of water?

19 A. I don't know.

20 Q. Okay. Thank you.

21 THE COURT: Mr. Olschewski, thank you for
22 your testimony today. You may step down. Thank you.
23 Let's be off the record for just a moment.

24 (A discussion was held off the record.)

25 THE COURT: We'll be in recess for a lunch

1 break from now until 1:00. Thank you.

2 (A luncheon recess was taken from
3 11:55 to 1:03 p.m.)

4 THE COURT: Welcome back everyone. Hope you
5 had a nice lunch. And we are ready to proceed in the
6 Hi-Country docket. And before we turn to Mr. Dansie
7 we'd like to address issues regarding the documents
8 that have been submitted. In particular the
9 declarations that Mr. Smith submitted.

10 Mr. Smith, would you like to designate how
11 you would like these marked?

12 MR. SMITH: Yeah. I'd like to, to have those
13 marked as exhibits -- I think there's what, four
14 declarations as I recall?

15 THE COURT: I have -- maybe I have
16 duplicates, but.

17 MR. SMITH: Maybe there's more than four. I
18 think we can just mark them all as one exhibit for
19 ease of --

20 THE COURT: Okay.

21 MR. SMITH: -- convenience.

22 THE COURT: Okay.

23 MR. SMITH: And that would be exhi --
24 Homeowners Association Exhibit 3.

25 THE COURT: Okay. And just to confirm, I

1 have Larry Beagley, Stephen Olschewski, Jonathan
2 Beagley, Helmut Olschewski, Daniel Olschewski, and
3 Greg DeHaan.

4 MR. SMITH: That's correct.

5 THE COURT: Okay, great. So those will be
6 marked HOA Exhibit 3 and entered into evidence,
7 barring any objection.

8 So hearing no objection, they are entered
9 into evidence. As are HOA Exhibit No. 1 and HOA
10 Exhibit No. 2.

11 (Exhibit Nos. HOA-1, 2, and 3 were received.)

12 MR. SMITH: And as we talked about off the
13 record, I will submit a substituted Exhibit 1 that has
14 the markings like we have on the big map. I will
15 provide it to the reporter. I'll also provide copies
16 to the Division and Mr. Dansie so they have the same,
17 same thing.

18 And I'll try to do that -- if we get done
19 early today I can do it today, but depending on how
20 long we go this afternoon. If not, then I'll try to
21 do that on Monday.

22 THE COURT: Okay. Thank you Mr. Smith, that
23 would be excellent.

24 Okay. Mr. Dansie, it's your opportunity.
25 Please proceed.

1 MR. DANSIE: Thank you. I've got some
2 exhibits I'd like to hand out.

3 THE COURT: Mr. Dansie, are you planning to
4 testify, or are you --

5 MR. DANSIE: Yes, I --

6 THE COURT: Okay, then let's get you sworn in
7 and -- we'll do that after you pass that out, that's
8 fine.

9 MR. DANSIE: Thank you.

10 THE COURT: If you would, sir, Mr. Dansie.

11 MR. DANSIE: Yes.

12 THE COURT: Go ahead and take --

13 MR. DANSIE: I've got a couple more exhibits
14 I need to get out if I can.

15 THE COURT: Oh, okay. Okay, please.

16 MR. DANSIE: Would you like one for your?

17 MR. SMITH: Sure, thank you.

18 (Pause.)

19 THE COURT: Mr. Dansie, do you have any other
20 documents to hand out?

21 MR. DANSIE: Any others to hand out?

22 THE COURT: Yeah.

23 MR. DANSIE: Not at the present time, but
24 there may some before I'm through.

25 THE COURT: Okay. Based on what's been

1 handed out, is there any, any objection to what's been
2 handed out?

3 Mr., Mr. Dansie, please take a seat.

4 MR. SMITH: If I could, I don't know that
5 there's any objection. I'd like to kind of hear what
6 these, these are being offered for.

7 THE COURT: Okay.

8 MR. SMITH: And reserve that objection till
9 that time if there is one.

10 THE COURT: Okay. Mr. Dansie, would you
11 please raise your right arm?

12 (Mr. Dansie was duly sworn.)

13 THE COURT: Thank you very much. Please have
14 a seat.

15 MR. DANSIE: I guess I can just go ahead and
16 talk a little bit and then you correct me if I'm where
17 I don't need to be. I'm gonna be testifying, okay?

18 THE COURT: Well, let's, let's actually back
19 up a little bit.

20 MR. DANSIE: Okay.

21 THE COURT: Rather than you just assuming
22 that I'm going to correct you why don't we start with
23 the assumption that we were attempting to work on
24 earlier, which is that we're here to address the CPCN
25 and the order to show cause.

1 So if you could keep your testimony limited
2 to, to that issue, that would be greatly appreciated.
3 That way I won't have to interrupt you so much.

4 MR. DANSIE: I'll try to comply with your
5 request. I'm giving testimony with regard to the
6 memorandum decision that was sent out by the Division
7 of Utilities to the Public Service Commission in
8 Matter 11-2195-01 with a recommendation that the
9 Division order -- excuse me, that they reinstate the
10 certificate of convenience 2195 under Hi-Country
11 Estates Water Company based on an investigation
12 completed by the Division.

13 My first comment would be there. It goes
14 back to the conclusion that the Division recommends
15 that the Commission order the Company to submit its
16 tariff, but it says it's -- it'll be under the name of
17 Hi-Country Estates Water Company.

18 That's right in the conclusion of page 2. I
19 think that is a gross error because the Company
20 that -- the organization that has made an application
21 before the Public Service Commission for reinstatement
22 of their certificate is Hi-Country Estates Homeowners
23 Association. I --

24 THE COURT: Mr. Dansie, one moment please.
25 There was a correction made earlier by the Division.

1 They, they corrected that. And it now does read the
2 Hi-Country Estates HOA Phase I. As they've indicated,
3 they intend to file an amended memo which may be filed
4 as early as this afternoon.

5 So you, you don't have to address that.

6 MR. DANSIE: Okay.

7 THE COURT: That's been addressed.

8 MR. DANSIE: Thank you. But only if the
9 record indicates that that's what it is, that's fine
10 with me. I have no problem.

11 My -- I am testifying to the numbers here.
12 And again, some of these have been corrected. So the
13 ones that have been corrected we can kind of deal with
14 them. It says there are 132 customers, 33 standby,
15 92 connections, and 6 in process.

16 Of the 132 customers, 123 are members and
17 have membership and stock voting rights. The
18 remaining 9 customers -- and this has been modified a
19 little bit, I think, to 7 customers now -- do not have
20 voting rights. Seven of the 9 have expressed that
21 they do not want to have membership in the Company.

22 With regard to the, that comment, and with
23 regard to the eight declarations that have been
24 submitted today by people that are outside
25 the -- (Mr. Dansie is muttering to himself.)

1 Oh, yeah. I would like to testify on
2 Exhibit 1 it has a judgment stamped on the front of
3 it. Oh, excuse me. That's not the one I want to
4 start with.

5 (Pause.)

6 MR. DANSIE: I've got to go over and get one
7 of these agreements off my desk. Or else I gave them
8 all out. Can I borrow that top one that says, um.

9 MS. SCHMID: This one?

10 MR. DANSIE: Right here.

11 MS. SCHMID: You guys have two, right? Why
12 don't you give him one of yours?

13 MR. DANSIE: Can I have one there?

14 MR. SMITH: Yeah, sure.

15 MR. DANSIE: Sorry.

16 MS. SCHMID: Otherwise I would have.

17 MR. DANSIE: This one is a recorded
18 Document 2532831, called "Right-of-Way." It's dated
19 February 15, 1973.

20 THE COURT: Sir, I don't have a copy of that.
21 Could you help me understand what you're referring to?

22 MR. DANSIE: I didn't give you a copy?

23 THE COURT: Is this -- perhaps I do. Is this
24 the second quiet title order?

25 MR. DANSIE: No.

1 THE COURT: No.

2 MS. BENVEGNU-SPRINGER: It says
3 "Right-of-Way" on it.

4 THE COURT: I did not get that.

5 MS. SCHMID: We could go make some copies if
6 you would like. And should we make sure that everyone
7 has copies of everything?

8 THE COURT: Sure. Let's go off the record.

9 (A discussion was held off the record.)

10 (A recess was taken from 1:17 to 1:26 p.m.)

11 THE COURT: Mr. Dansie --

12 MR. DANSIE: Thank you for the help. I
13 apologize for the mixup on those. I'm offering, I'll
14 call it exhibit called "Right-of-Way," which is a
15 recorded document, to help clarify the issue of
16 membership and voting rights in the Company.

17 This is an agreement between Hi-Country
18 Estates, Inc., Larry Beagley, and Esther Beagley, his
19 wife, herein called the Owners. The document speaks
20 for itself. And I will have a full copy, but I'm
21 gonna read certain portions (as read):

22 Whereas part of the development has
23 acquired certain water rights and
24 installed a water system in connection
25 with the development.

1 And whereas Owner of the 40-acre
2 tract adjoining Hi-Country Estates,
3 Owners are desirous of being served
4 culinary water to obtain and traverse
5 certain parts of the private road of
6 Hi-Country Estates in order to reach and
7 serve other properties owned by the
8 Owners.

9 Whereas Beagleys are purchasing the
10 property Owners under a real estate
11 contract from Gerald H. Bagley.

12 Whereas Hi-Country is willing to
13 allow access to the property and to
14 furnish water and water connections --
15 that's the important part of this
16 agreement.

17 Now therefore in consideration --
18 skip over to the next. If you want me
19 to read it, I can.

20 Hi-Country agrees to sell Owners six
21 water connections hookups to be used on
22 Owners property payment -- upon payment
23 of \$500 each for each connection.
24 Owners, upon paying the connection fee,
25 agree hereafter to pay for the use of

1 the water in accordance with the bylaws
2 and schedules of payments established
3 from time to time by Hi-Country Water
4 company.

5 Owners agree to become members of
6 the Hi-Country Estates Owners
7 Association and share the cost of
8 maintenance of road and services
9 recommend -- rendered by Hi-Country
10 Estates Homeowners Association in
11 accordance with the Articles of
12 Incorporation of said bylaws.

13 This is a recorded document, and it's signed
14 by the owners of the property at the time in 1970.

15 Owners agree at their sole expense
16 to install a water line from the border
17 of Hi-Country Estates through the
18 property to the Owners of the south
19 property and to the north edge of
20 Hi-Country Estates.

21 Owners agree to grant Hi-Country
22 non-exclusive rights of an easement on
23 50 feet wide from the south edge --
24 running from the south edge -- running
25 south from the north edge of the Owners

1 property to the south edge of the
2 property, together with the right to
3 install utilities under the road.
4 Said six-inch line to be installed by
5 the Owners shall be within the aforesaid
6 right-of-way.

7 The water line shall be connected
8 and laid in accordance with Salt Lake
9 County Conservancy District standards.
10 And upon completion -- this is
11 important -- title to the water line
12 shall vest in Hi-Country.

13 The parties are required to execute
14 all legal documents necessary to fulfill
15 and perform the terms of this agreement.

16 My purpose of giving that exhibit is to
17 establish that the people that -- the Olschewskis and
18 Beagleys that signed these declarations as of
19 yesterday or the day before had already made an
20 agreement to be members of the Homeowners Association,
21 pay their dues, and receive water from the Hi-Country
22 Estates Homeowners Association.

23 There is an amendment here. It's unsigned
24 and it's undated.

25 THE COURT: Mr. Dansie, may I, may I

1 interrupt you just for one --

2 MR. DANSIE: Sure.

3 THE COURT: -- one bit of clarification.

4 MR. DANSIE: You bet.

5 THE COURT: Okay, so you've identified that
6 this document refers to the Bagleys and the Beagleys.
7 And it doesn't refer to the Olschewskis, so I don't
8 think we should get confused about whether this
9 pertains to the Olschewskis.

10 The, I believe it's the, the Beagleys who we
11 have a declaration from. So you're welcome to
12 proceed, but I just, I just want to make that note.

13 MR. DANSIE: I can maybe help clarify, your
14 Honor.

15 THE COURT: Okay. Please do.

16 MR. DANSIE: Gerald H. Bagley -- and correct
17 me any of you if you want if I'm wrong or if I
18 misstate it -- was the developer of the Hi-Country
19 Estates Phase I Subdivision. Larry Beagley and his
20 wife Esther Beagley purchased a 40-acre tract, which
21 is the tract of land that's marked in yellow on the
22 map before us.

23 That has -- this document has a metes and
24 bounds description and says that Hi-Country agrees to
25 sell to the owners six water connections to be used on

1 the property at \$500 per hookup.

2 So the Bagleys were the sellers, the
3 developers. The Beagleys were the purchasers of the
4 40-acre parcel. And the Olschewskis and other Beagley
5 members were purchasers or took from Esther and
6 Mr. Beagley.

7 This is a recorded document. Has a recording
8 number on it. I think that states pretty clearly and
9 binds the people. It says they'll become members of
10 the Homeowners Association, they'll pay their dues,
11 and they will also pay for a connection fee.

12 The purpose of that being that the water
13 system was built by the developers, Gerald H. Bagley
14 and his two associates. And the money that they paid
15 went back to reimburse for that water system. And so
16 these people, I believe, have rights that continue on.
17 And they can't -- I'm not -- I don't know what they
18 can or can't be done. They probably wouldn't be shut
19 off if they were not members.

20 They said they would be a member. This is a
21 recorded document. If they choose not to be members I
22 guess that's up to them. But the rules are here that
23 they cannot choose not to be members for a hearing
24 before the Public Service Commission and try to
25 render being nonmembers a reason for the Public

1 Service Commission to take jurisdiction of the water
2 company.

3 THE COURT: Okay. Thank you for that
4 clarification, Mr. Dansie. We'll see what the parties
5 say when they have an opportunity to, to ask
6 questions.

7 MR. DANSIE: Yeah. And --

8 THE COURT: Please proceed.

9 MR. DANSIE: I think the other exhibit I
10 mentioned is called Amended Agreement. It's not
11 signed by anyone. Not dated. It says Hi-Country
12 Estates Homeowners Association Phase I. On the first
13 page paragraph (E) says:

14 The landowners will, in accordance
15 with the February 15, 1973, agreement,
16 dedicate and deed to Hi-Country
17 Homeowners Association all water lines,
18 hydrants, and so forth.

19 This agreement is not an amendment -- is an
20 amendment and does not nullify the February 15, 1970,
21 agreement between the previous landowners and
22 Hi-Country, Inc. the developers. This is an agreement
23 between the landowners and the homeowners.

24 THE COURT: Mr. Dansie, before you continue,
25 you have pointed out that this is an unsigned

1 document. What do you purport that this proves?

2 MR. DANSIE: I purport that it was a document
3 that was submitted by legal counsel for Hi-Country
4 Estates Homeowners Association. Was prepared and
5 submitted to legal counsel by, I assume, Randy Crane
6 and possibly Linda Colton, the secretary.

7 And that they may have -- I don't know what
8 it purports other than that they're mem -- they are --
9 that people receive water from the water system that
10 was put there originally.

11 THE COURT: Okay, let's back up just a
12 second. This is an unsigned document. Do you have a
13 signed document of this same agreement?

14 MR. DANSIE: I do not.

15 THE COURT: Okay. This is stricken based on
16 it not being -- it doesn't show anything other than
17 it's a draft agreement.

18 MR. DANSIE: I don't have any problem with
19 that, your Honor.

20 THE COURT: Okay.

21 MR. DANSIE: It was in the documents --

22 THE COURT: Okay.

23 MR. DANSIE: -- that were submitted as
24 contracts, agreements, and things that -- to help
25 determine whether the people were members or

1 nonmembers of the Association. End of story.

2 THE COURT: Okay. Please proceed,
3 Mr. Dansie.

4 MR. DANSIE: So I would, based on that I
5 would ask that the Olschewski and Beagley declarations
6 which are dated June 13th -- today is the 15th, that's
7 two days ago -- I would ask that they be stricken and
8 not be valid because there's recorded documents that
9 run with the property, and the water system runs with
10 the property, so those are not valid.

11 They have a way to talk with the membership
12 by virtue of that contract, I believe.

13 THE COURT: Mr. Dansie, let's, let's talk
14 about your first document first. Are you, are you
15 requesting to have that marked as an exhibit and
16 entered into evidence?

17 MR. DANSIE: Yes.

18 THE COURT: Okay. How do you wish to have
19 that noted? Would you like -- how about we call it
20 Dansie Exhibit No. 1?

21 MR. DANSIE: Say it again.

22 THE COURT: Would that -- Dansie Exhibit
23 No. 1?

24 MS. SCHMID: And I do have some questions on
25 this document when it is appropriate.

1 THE COURT: Okay. We're --

2 MR. SMITH: As do I.

3 THE COURT: Okay. We're just marking it for
4 now.

5 MS. SCHMID: Okay.

6 THE COURT: We're not --

7 MS. SCHMID: Okay.

8 THE COURT: Okay. Mr. Dansie, I, I am going
9 to respond to your request to have the declarations
10 stricken. You were given an opportunity much earlier
11 in the hearing to object to those, and they have
12 already been admitted.

13 MR. DANSIE: I attempted to object, your
14 Honor, and I was overlooked.

15 THE COURT: I, I don't recall that.

16 MR. DANSIE: I do.

17 THE COURT: Your, your objection is noted,
18 sir, and the declarations are admitted and my decision
19 on that stands.

20 MR. DANSIE: That's fine. The next thing I
21 would like to talk about is the declaration of Greg
22 DeHaan. As you'll look at the map there on exhibit --
23 on the exhibit on the map, there's an orange spot. I
24 think that represents Mr. DeHaan's lot that is --
25 says:

1 I own property near Herriman and I
2 receive water from that property from --
3 for that property from Hi-Country
4 Estates Homeowners Association.

5 Mr. DeHaan's property has been annexed into
6 Herriman City about a year and-a-half ago. One of the
7 requirements is that when you annex property into
8 Herriman City they provide the water service to your
9 property. There are a few extenuating circumstances
10 which may allow them to provide service.

11 In this particular case a public utility has
12 boundaries and cities and municipalities have
13 boundaries. And this is borne out in the Heber City
14 Light case.

15 And this is not within the boundaries of the
16 proposed recertification of Hi-Country Estates Water
17 Company, and so I think it's not applicable because
18 there's a set of rules that probably already apply and
19 that water service may have to be changed by virtue of
20 the agreements they signed when they went in there.

21 So I think that being a nonvoting member has
22 some major concerns. That's the purpose of the
23 testimony.

24 THE COURT: Okay.

25 MS. SCHMID: I will object to that on grounds

1 of foundation. I...

2 MR. DANSIE: I, I, I can give you some
3 foundation if you want it.

4 THE COURT: Ms. Schmid, do you care to
5 elaborate before Mr. Dansie continues?

6 MS. SCHMID: I'll just save my questions for
7 cross.

8 THE COURT: Okay. Mr. Dansie, please
9 continue.

10 MR. DANSIE: In the case Heber City Light
11 Power Company versus Public Service Commission,
12 April 30, 2010, it talks about municipalities, and
13 improvement districts, and public service -- or excuse
14 me, certified utilities, water utilities providing
15 service in those boundaries.

16 I think this case makes it very clear that --
17 I can read here.

18 THE COURT: Mr. Dansie, one --

19 MR. DANSIE: Well, I'll say --

20 THE COURT: Excuse me just a second. One
21 thing that would be really helpful when you do refer
22 to the documents and you start reading portions is to
23 help us who are following along by telling us where
24 you are in the document.

25 MR. DANSIE: Well, I didn't give you a copy

1 of that document. I brought it because you said you
2 wanted some foundation. I only use it as a reference
3 for the foundation that other utilities such as -- in
4 other words, a regulated public utility does not serve
5 in another area such as an improvement district, a
6 city, a municipality, or another governmental agency.
7 They do not allow them to overlap.

8 And Mr. DeHaan's service would be in the
9 municipality of Herriman. And it would not be
10 allowed, under Public Service Commission rules, to
11 provide service in another person's area.

12 THE COURT: Thank you Mr. Dansie.

13 MR. DANSIE: And I reference this case, Heber
14 Power and Light Company versus Public Service
15 Commission. It's a very recent one, I'm sure
16 everyone's read it.

17 THE COURT: Thank you, Mr. Dansie. Please
18 proceed.

19 MR. DANSIE: Okay. Again, this goes mainly
20 to the issue that you asked today that we limit
21 ourselves to, if possible, the voting membership or
22 whether we have members that can vote or not vote.

23 In addition, I would like to offer Exhibit
24 No. 3, which would be Amended Memorandum Decision for
25 Case No. 20090433-CA, dated July 29, 2011. I would

1 like to read from page 7, paragraph 14. It says:

2 Thus, our affirmance of paragraph 3
3 of the final judgment must be understood
4 as being limited to the historical
5 context, context and not as adjudicating
6 the rights of the parties or the
7 enforceability of the agreement going
8 forward.

9 To be clear, the effect of the final
10 judgment, as affirmed and explained in
11 our 2008 opinion and in the above
12 memorandum decision, is that Dansies
13 going forward are entitled to their
14 contractual rights of free water -- free
15 water -- and free hookups unless the PSC
16 intervenes and determines otherwise.
17 Given these observations, the petition
18 for rehearing is denied.

19 I believe that one of the purposes for which
20 the Association has made this request -- and you've
21 brought that up a couple of times -- is that it is
22 simply to try to skirt the orders of the Court of
23 Appeals and the Supreme Court of the State of Utah,
24 which goes beyond the scope of the Public Service
25 Commission. I'd like to point that one out.

1 The next issue that I would like to point out
2 is titled: "Judgment." And I guess we could mark it
3 Exhibit No. 4. And we've maybe talked a little about
4 this. It says:

5 Hi-Country Assoc -- Homeowners
6 Association is adjudged to be the sole
7 owner, exclusive owner of all right,
8 title, and interest, without exception,
9 to the water rights, the water lines,
10 the water tanks, and existing
11 appurtenant easements and right-of-ways,
12 and all other appurtenances and fixtures
13 located within Hi-Country Subdivision --
14 Phase I Subdivision, and as more fully
15 described --

16 THE COURT: Mr. Dansie, I'm terribly sorry to
17 interrupt, but I'm not sure where you are.

18 MR. DANSIE: I'm sorry, page 2.

19 THE COURT: Okay. And what par --

20 MR. DANSIE: Paragraph 1.

21 THE COURT: Okay, thank you. Thank you, I'm
22 there.

23 MR. DANSIE: That indicates that the Hi --
24 the water rights and the water system was quieted to
25 Hi-Country Estates Homeowners Association. They were

1 successors in interest to the Beagley obligations
2 under the rights that were determined in court.

3 So the Homeowners Association is the owner of
4 the water system. And they're the ones that -- I
5 believe it's been corrected -- should be the Applicant
6 and should be the water company that is being named as
7 to be possibly recertified.

8 THE COURT: Mr. Dansie, just for
9 clarification, I don't think there's an issue there.
10 Because, as noted, the Division has corrected that and
11 will be submitting a revised memorandum.

12 MR. DANSIE: And thank you.

13 THE COURT: Okay?

14 MR. DANSIE: I'm just trying to make the
15 record clear.

16 THE COURT: Okay, well we, we don't need to
17 rehash things that have already been resolved.

18 MR. DANSIE: Yes.

19 (Pause.)

20 MR. DANSIE: Okay. On Final Judgment, that's
21 Case No. 2020 -- or excuse me, 02010745 (sic.) And on
22 page --

23 MS. SCHMID: Pardon me.

24 MR. DANSIE: Page 3.

25 MS. SCHMID: Would this be Dansie No. 4, the

1 Final Judgment? Would that be marked for
2 identification as Dansie No. 4?

3 THE COURT: He marked the Second Quiet Title
4 Order as No. 4.

5 MS. SCHMID: So this would be No. 5?

6 MR. DANSIE: No. 5, that's correct.

7 MR. SMITH: Yeah.

8 THE COURT: Yes.

9 MS. SCHMID: Thank you.

10 MR. DANSIE: Okay, I would like to read under
11 the Judgment and Order.

12 MR. SMITH: And which page are we on?

13 MR. DANSIE: Page 3. About halfway down the
14 page. Everybody find it? It says: Judgment and
15 Order. It says -- this is the order of the District
16 Court. It's been affirmed by the Court of Appeals.
17 And *certiorari* has been -- or has been denied by the
18 Supreme Court. (As read):

19 The well lease is not void against
20 public policy. The well lease is not
21 void on Utah Code 54-3-8(1) and 54-3-1-1
22 (sic), and the PSC's 1986 order, or the
23 unconstitutional -- unconstitutionality
24 doctrine. The well lease is a valid
25 binding encumbrance on the Association's

1 water system.

2 That's an important thing to remember. This
3 is on a, on an encumbrance on the water system. It
4 runs with the land and whoever owns it from then on.
5 And it's an important matter as we go forward. It
6 says:

7 The PSC has power to construe
8 contracts affecting ratemaking for
9 Hi-Country Estates Homeowners
10 Association. The Association claims
11 that damage have failed -- Dansies have
12 failed to require -- request damages in
13 their counterclaim.

14 I think that's not important. I don't need
15 to -- the most -- the more important part was that
16 it's not against public policy, it's not void for any
17 other reason, and it's not against Title 54-3-18
18 (sic.)

19 That's the court of the third -- a ruling of
20 the Third District Court, affirmed by the Court of
21 Appeals. *Certiorari* has been denied. I think
22 continuing these hearing on fulfilling the un -- thing
23 under this obligation would be double jeopardy. And I
24 would like to be in the record.

25 But anyway, my, my main thing is I would like

1 that document entered in and, and it speaks for
2 itself.

3 MS. SCHMID: I do have a question, if I may,
4 for clarification?

5 Mr. Dansie, I think that you -- when you were
6 reading paragraph 1 you -- so we said the PSC's 1986
7 order or the, and I think you said unconstitutionality
8 but did you mean unconscionability doctrine?

9 MR. DANSIE: Unconscionability, yes. I'm
10 sorry, thanks for -- I meant it was not
11 unconstitutional -- it was not unconscionable, and it
12 was not against public policy, all three issues.
13 That's the ruling of the Court.

14 And I believe that Mr. Smith, Mr. Crane, the
15 directors, and all the people who signed that they
16 don't have membership vote rights in their day are in
17 collusion and attempting to try to show that they
18 don't have voting rights to get this issue back before
19 the Public Service Commission to determine if they
20 have jurisdiction.

21 I don't mind if they have jurisdiction.
22 Mr. Beagley made some good comments. Jurisdiction
23 might be important. It will cost more money because
24 regulation costs more money. But that is not the big
25 issue.

1 The big issue is are they trying to
2 circumvent the obligations of the well lease and water
3 line extension, which are -- will be in the record, by
4 going back before the Public Service Commission. And
5 I know you'll say, Well, that's an issue that we'll
6 determine in the ratemaking case when it gets to that
7 point, and I understand that in general.

8 I think that's all I have, your Honor.

9 THE COURT: Okay. Thank you, Mr. Dansie.

10 MR. DANSIE: I'll reserve a couple minutes
11 for rebuttal, if it's possible, if I need to.

12 THE COURT: Thank you.

13 MS. SCHMID: I, if I --

14 MR. DANSIE: I can hardly hear.

15 MS. SCHMID: I have some questions on Dansie
16 No. 1. It appears that the first page is a
17 right-of-way agreement, but then pages 2, 3, and 4
18 pertain to a separate agreement and are not part of
19 the recorded right-of-way document.

20 I'm just wondering if it was a copy error.
21 In the documents we received from the HOA they were
22 not contiguous. They were separate documents.

23 MR. DANSIE: Well, at the bottom -- at the
24 lower part, just to help clarify, I can see an "HC."
25 And on the second page -- I, I guess this was put on

1 by Mr. Smith's --

2 MS. SCHMID: Yep.

3 MR. DANSIE: -- people. HC00549. I can't
4 answer that question for you. I don't know.

5 MR. SMITH: Also it appears that -- I had the
6 same questions that Ms. Schmid had. It also appears
7 that they're -- part of the first document is missing,
8 because you -- if you look at the notary block it
9 doesn't have the notary signature, which is required
10 to be -- obviously to notarize the document so it can
11 be recorded.

12 So I think the right-of-way agreement is
13 incomplete. And I also have that same concern because
14 I don't see anything on the -- page 2 of exhib -- of
15 Dansie Exhibit 1 that indicates that that -- this was
16 ever recorded.

17 You've been representing this is a recorded
18 agreement, but typically my experience has been that
19 if the agreement's record you have recording
20 information on each page of the document. And I don't
21 see anything on page 2, 3, or 4 of exhibit -- Dansie
22 Exhibit 1 that indicates that this was recorded.

23 Is it -- do you have an explanation for that?

24 MR. DANSIE: I have seen it before because of
25 my involvement in Foothills Water and Hi-Country over

1 the years. I can't give you an exact answer to that.
2 I say possibly we could go back and get the recorded
3 document and see where it goes from there.

4 I think that these are the signatures of
5 Mr. and Mrs. Beagley and Gerald Bagley because I've
6 seen their signatures on water agreements and other
7 agreements.

8 MR. SMITH: Well, I'm, I'm not questioning
9 their signatures at this time. I'm just saying this
10 does not appear to be a recorded document, at least
11 this version of it, as has been previously represented
12 by you.

13 And then second of all, I also don't see
14 anything in this document, exhibit -- Dansie Exhibit 1
15 that says that anything in this document is binding on
16 successors, assigns, or future property owners who may
17 buy property from the Beagleys, who apparently bought
18 property from Bagley.

19 MR. DANSIE: You know, my answer would be to
20 that we should probably look to the recorded document.
21 I assumed it was a recorded document because of the
22 stamp on the front page. You've brought up a very
23 good question.

24 I have seen this agreement before and I think
25 it's been used in other cases. And I think it was

1 signed by 'em. Whether it's binding on the other
2 people, if it's recorded I believe it would be. If
3 it's not, I don't know.

4 MR. SMITH: Well.

5 MR. DANSIE: I can't tell you the answer to
6 that.

7 MR. SMITH: Based on those -- that
8 information I'm gonna object to admission of Dansie
9 Exhibit 1.

10 MS. SCHMID: I will as well.

11 MR. DANSIE: Can I just comment, your Honor?

12 THE COURT: Yes. And where did you obtain
13 this document, Mr. Dansie?

14 MR. DANSIE: I obtained it out of the packet
15 that the Division of Public Utilities sent to me as an
16 intervenor. And the documents were provided, they
17 said, by Mr. Smith and by the Hi-Country Estates
18 Homeowners Association directors, president, and their
19 legal assistants.

20 THE COURT: Okay. Um, okay. And please
21 respond to the objections that have been made.
22 There's a ruling pending on that.

23 MR. DANSIE: Thank you. I -- the only thing
24 I can say is that I have seen this document before.
25 And when we were in the courts they relied on this

1 document.

2 And they also relied because when they
3 quieted title to the water system, including the
4 Beagley Acre portions, they said that each of the
5 people that were receiving water signed over their
6 interests, in addition to this document, to Hi-Country
7 Water and Hi-Country Homeowners Association.

8 THE COURT: Okay. Mr. Dansie, this, this is
9 an interesting document. And had it -- it does
10 purportedly have the signatures of the individuals
11 identified on the front of the page.

12 It does have a number of problems though.
13 And inasmuch as you are purporting to use it in the
14 manner that you are, which is to extend this down the
15 whole chain of title and to purport that certain
16 individuals have the same responsibility or the same
17 status, it is problematic to me.

18 It's also problematic because of the issue
19 that Mr. Smith brought up that it's not entirely clear
20 that this has, in fact, been signed. There, there's
21 something here that looks like it may have been
22 signed -- it's just not entirely clear to me.

23 But even assuming that it had been signed and
24 that it had been recorded even, the, the language
25 about the successors and assigns is, is really

1 important here because that would show that their
2 successors had the same responsibility, same status.

3 So at this time I am going, I am going to
4 strike it. I'm going to, I'm going to not allow it be
5 into evidence for those reasons. And so that's my
6 ruling on that.

7 MR. DANSIE: The only other comment I would
8 like to make, your Honor -- and I accept your
9 ruling -- is that based on the quiet title action,
10 which says all lines, so on and so forth in the other
11 judgments that I've read -- and I didn't read all the
12 details -- said that anything that was appurtenant to
13 the Hi-Country Water system tied in based on this
14 document from the Court cases. And I attended all of
15 those. So I understand what you're saying and --

16 THE COURT: Okay. And just --

17 MR. DANSIE: -- disagree with you.

18 THE COURT: Just to be clear, the court case
19 is a separate matter. And it may have been that there
20 may not have been an objection. This document might
21 have been part of the docket in that case. But I
22 can't be sure, you know, why that was the case or why,
23 why there were no objections.

24 But this is a separate matter. And just
25 because it was entered in another case doesn't mean

1 that it, that it's admissible in this case. So at
2 this point we're gonna strike it and, and we'll
3 continue with whether there are any other questions
4 about the other exhibits.

5 MR. SMITH: I, I have a question about
6 Exhibit No. 3, Dansie Exhibit 3. That's the Amended
7 Memorandum Decision.

8 THE COURT: Okay.

9 MR. SMITH: Mr. Dansie, if you can go to
10 page 7 of that. And I think you read paragraph 14 of
11 page 7 earlier. Do you see that?

12 MR. DANSIE: Yes.

13 MR. SMITH: It seems to me that the Court of
14 Appeals anticipated the PSC may be intervening and
15 taking jurisdiction here. Wouldn't you agree with me?

16 MR. DANSIE: They didn't anticipate -- no, I
17 would not agree with you. I think they said --

18 MR. SMITH: So --

19 MR. DANSIE: -- that it would be up to them.
20 They said they could or they could not.

21 MR. SMITH: So you don't take this language
22 in here that says "unless the PSC intervenes and
23 determines otherwise" anticipation by the Court of
24 Appeals that the PSC may assert jurisdiction in this
25 matter?

1 MR. SMITH: Tell me that once more.

2 MR. SMITH: You don't, you don't agree with
3 my, my understanding of this document that says --
4 where the language says "unless the PSC intervenes and
5 determines otherwise," you would not agree with me
6 that that's an anticipation by the Court of Appeals
7 that the Public Service Commission may assert
8 jurisdiction in this matter?

9 MR. DANSIE: They absolutely said that that
10 would be up to the Public Service Commission. Said it
11 was not before them, it hadn't been before them, and
12 it was a new issue. And it would be up to the Public
13 Service Commission --

14 MR. SMITH: Okay.

15 MR. DANSIE: -- if they wanted to assert
16 jurisdiction.

17 MR. SMITH: That's all the questions I have
18 about that document.

19 THE COURT: Okay. Is there any objection to
20 the admission of Exhibit No. 3 -- Dansie Exhibit
21 No. 3?

22 MR. SMITH: No, I have no objection to that.

23 MS. SCHMID: No objection.

24 THE COURT: Okay. Exhibit No. 3 is accepted
25 and entered into evidence.

1 (Exhibit No. Dansie-3 was received.)

2 THE COURT: Any other questions?

3 MR. SMITH: About documents or just
4 generally?

5 THE COURT: Let's just keep it to the
6 documents right now.

7 MR. SMITH: Let me look. I don't believe I
8 have any about No. 4.

9 THE COURT: Ms. Schmid?

10 MS. SCHMID: None.

11 THE COURT: Okay, then Dansie Exhibit No. 4
12 is entered into evidence.

13 (Exhibit No. Dansie-4 was received.)

14 MR. SMITH: And No. 5 I don't have any
15 objection. I do -- I mean have any questions. I do
16 have an objection as to relevancy. This doesn't go to
17 the issue that we're here for today. It goes to the
18 validity of the water contract, that is not before the
19 Commission today.

20 THE COURT: Ms. Schmid, do you have any
21 comments?

22 MS. SCHMID: It provides perhaps background
23 information. And as it is a court document I, I don't
24 object.

25 THE COURT: Okay. I do agree with Mr. Smith

1 that it is not directly applicable to the case. But I
2 also agree that it could be helpful in providing some
3 background, so I will allow it. And so Dansie Exhibit
4 No. 5 is hereby admitted into evidence.

5 (Exhibit No. Dansie-5 was received.)

6 THE COURT: So I believe that concludes the
7 documents, so Mr. Smith, would you like to proceed
8 with cross-examination?

9 MR. SMITH: Yeah, I have a few questions for
10 Mr. Dansie.

11 RODNEY DANSIE,
12 called as a witness, having been duly sworn,
13 was examined and testified as follows:

14 CROSS-EXAMINATION

15 BY MR. SMITH:

16 Q. Mr. Dansie, you were here this morning when
17 Mr. Olschewski testified, were you not?

18 A. Yes.

19 Q. And you heard his testimony that said that --
20 where he said he was not a member of the Association?
21 Do you remember that testimony by Mr. Olschewski where
22 he testified he was not a member of the Association?

23 A. Yes.

24 Q. And you have no reason to disbelieve or
25 disagree with that, do you?

1 A. Yes, I do.

2 Q. Oh, okay. So you dis -- you disagree with
3 Mr. Olschewski. You believe he is a member of the
4 Association?

5 A. I, I don't know whether he's a member of the
6 Association. Based on the agreements that have been
7 used in the Court files over the 30 years it indicated
8 they bought the property and that he agreed to be a
9 member of the Association.

10 They got water connections based on those
11 agreements. And then when the Court quiet titled --
12 quieted title to the water system and included the
13 Beagley Acres part and that went to the Hi-Country
14 Estates Homeowners Association, and at that time they
15 did not deny membership in the Association.

16 Q. Okay. Okay, well, I guess that's an answer.
17 But you heard Mr. Olschewski also testify that there
18 had been a disagreement between himself or the people
19 that live in, in the area that he lives in, and the
20 Association.

21 And they subsequently went to court and had a
22 court determine that they did not need to be or not --
23 and were not members of the Association. Remember
24 that testimony?

25 A. I remember that testimony, but I'm not sure

1 that I agree with it because --

2 Q. Were you there -- let me ask this question.

3 Were you there at the court proceedings that

4 Mr. Olschewski was testifying about?

5 A. No, I was not.

6 Q. Have you read any of the Court documents

7 that --

8 A. No.

9 Q. -- relate to those proceedings?

10 A. I would like the numbers so that I could read
11 them.

12 Q. And so you have no knowledge about this other
13 than you just have this fixation about this agreement
14 that you think you're entitled to water and that's all
15 you ever think about; isn't that right?

16 A. No. No.

17 Q. Aren't you fixated on that? That's all -- I
18 mean, you said you don't have a problem with, with the
19 Associa -- of being regulated as long as you get
20 your -- the contract rights you're -- you believe
21 you're entitled to; isn't that right?

22 A. As long as the orders of the Court, the Court
23 of -- Third District Court, Court of Appeals, and
24 Supreme Court are carried out with regard to the water
25 well lease and water line extension agreement. That's

1 my major concern.

2 I've never seen a court document on the
3 Olschewski issue. I think that he said it was just an
4 agreement that they made with the homeowners. There
5 was no case. They were threatening to go to court,
6 but they didn't go to court. So I don't think there
7 was a court case as he testified.

8 Q. I don't think that's his testimony but that,
9 you know, you heard what you heard and think what you
10 think.

11 A. That's right.

12 Q. But you'd actually have -- with your disputes
13 you have with the Association you would actually have
14 further protections about water service if you -- if
15 the Public Service Commission has -- had jurisdiction.
16 Wouldn't you have -- wouldn't that provide protection
17 and a forum for you? I mean, you're -- isn't that
18 right?

19 A. If the regulation -- I think the regulation
20 might be beneficial to Mr. Olschewski and it might be
21 beneficial to me if the Public Service Commission does
22 not try to deny the benefits under the well lease
23 agreement.

24 Which I don't think they can because of
25 contractual rights that go with the water system, and

1 with the land, and with the continued operation of the
2 water system. So I don't think that's an issue. I
3 think they can have jurisdiction, and I think they
4 can -- we can still enforce the well lease and water
5 line agreement because it runs with the water system.

6 Judge Brian was very careful when he made the
7 decision. He said this is an encumbrance on the water
8 system, it runs with the water system. Not with the
9 Homeowners Association, not with Mr. Olschewski, not
10 with Mr. Smith, not with the PSC, but with the water
11 system.

12 It's part of the DNA of the water system.
13 And the rights go with that. So yes, I think that it
14 would be helpful if we had regulation and we were --
15 those rights were carried forth.

16 But if this is a ploy by Mr. Smith, by the
17 Association, to try to avoid having the obligations
18 that the Court has ruled un -- it's not
19 unconscionable, it's not against Title 54, it's not
20 against all three of those things.

21 And then to now come back and try and get
22 another bite at the apple to say, Well, we don't have
23 to do it because the PSC just can take regulation. So
24 then if that were that case, I would be concerned.
25 But I don't believe that the PSC has the authority to

1 do that because of the contract that runs with the DNA
2 of the water system.

3 Q. So --

4 A. Sorry for a long answer.

5 Q. And you know that issue about the contract is
6 not before the Public Service Commission today?

7 A. It isn't yet, but it will be when a rate
8 hearing comes. And you know that because you're here
9 all the time. And you've had cases just like it
10 before, I've read them all. And you've lost some of
11 them.

12 THE COURT: Mr. --

13 MR. SMITH: Believe me, I've lost more than
14 my share.

15 THE COURT: Mr. Dansie, Mr. Smith.

16 MR. SMITH: I think I'm done, your Honor.

17 MR. DANSIE: I'm sorry, I didn't mean to get
18 carried away.

19 THE COURT: Okay.

20 MR. SMITH: I think I'm done.

21 THE COURT: Okay. Mr. Dansie, you are quite
22 correct that at some point we might have a rate case.
23 But we don't --

24 MR. DANSIE: I guarantee it.

25 THE COURT: We don't today though, okay?

1 MR. DANSIE: That's right. Voting
2 privileges.

3 THE COURT: So -- I'm sorry?

4 MR. DANSIE: All we're talking about is
5 voting privileges today.

6 THE COURT: Well, not --

7 MR. DANSIE: Members.

8 THE COURT: Not entirely. But I think that
9 seems to be the way you've interpreted it.

10 MR. DANSIE: Sorry.

11 THE COURT: But what we're talking about is
12 whether the CPCN should be reinstated. And, and, and
13 that may involve questions about the members and who
14 the water company is serving.

15 But as far as your position is concerned, I
16 very much want to give you an opportunity and I
17 believe I have given you an opportunity to express
18 yourself, to express your concerns. I, I understand
19 you. I understand that there is this water lease
20 issue that is of great concern to you. And I, I
21 understand that.

22 What I want you to understand is that's not
23 what we're here to discuss. So please put that in the
24 back of your mind somewhere, maybe, maybe to be
25 addressed at another day, but not today. Because the

1 more you bring it up, the more we get off track. And
2 the more it just complicates and takes up important
3 time.

4 And, and there's something that's referred to
5 as "judicial economy." And when we keep backtracking
6 and saying, Okay we, we need to get back on track,
7 we're, we're not operating efficiently. And what we
8 need to do is stay on course.

9 We have a very fine course that we're on
10 today. So please work with me. Work with the
11 Commission on this. And, and let's see how things
12 come out.

13 Please don't assume anything at this point.
14 The hearing is not over. An order has not been
15 issued. And it's, it's not necessary to be arguing
16 either with me or other parties.

17 Let's, let's just stay focused, get this
18 done, and let the Commission make their determination.
19 And if there are other issues that you need to address
20 you can, you can address them at a later time. Okay?

21 MR. DANSIE: Yes.

22 THE COURT: Okay. Thank you.

23 Ms. Schmid, do you have questions?

24 MS. SCHMID: Just one.

25 ***

CROSS-EXAMINATION

BY MS. SCHMID:

Q. Mr. Dansie, you spoke about what the Division's May 17th memorandum stated, and I think that you may have inadvertently skipped a couple of words. So could you please just read the first complete sentence of the Division's May 17, 2012, memorandum into the record just to clarify things?

A. Which sentence did you want me to read?

Q. The one that begins: "The Division of Public Utilities (Division) recommends."

A. (As read): The Division of Public Utilities (Division) recommends that the Public Service Commission of Utah (Commission) revoke the Hi-Country Estates Homeowners Association Phase I (Company) letter of exemption issued by the Commission. And order the Commission --

Q. Pardon? Order the Company?

A. And order the Company to reapply -- to reinstate the certificate of convenience --

Q. Public convenience?

A. -- of public convenience of necessity

1 No. 2195 under the name of Hi-Country
2 Water Company based on the investigation
3 completed by the Division.

4 MS. SCHMID: Thank you. That's all I had.

5 THE COURT: Okay, thank you.

6 Mr. Dansie, I have a question for you. And
7 you -- I'm sure you noticed earlier we were referring
8 to the, the board that's next to you. And what I was
9 wondering is do you know whether your property that
10 you are seeking to obtain water service is inside that
11 blue boundary or outside of that blue boundary?

12 And the blue boundary, just for the record,
13 has been desig -- has been noted by the Company or the
14 Homeowners Association as the service area.

15 MR. SMITH: No, that's, that's -- no, that --
16 I want to be clear on this. That is the boundaries of
17 the Hi-Country Estates Subdivision.

18 THE COURT: Okay.

19 MS. SCHMID: Okay.

20 THE COURT: Okay.

21 MR. SMITH: It is not -- that line does not
22 purport to be the, the boundary of the service area of
23 the Company. Or at least the service area that was in
24 place at the time we were regulated.

25 THE COURT: Okay, very good. That's an

1 excellent clarification. Okay. I withdraw my
2 question.

3 MR. DANSIE: Thank you.

4 THE COURT: So I don't have any questions.
5 Do you have anything that you would like to follow-up
6 on, sir, given, given the questions that you have been
7 given and in closing?

8 MR. DANSIE: Yes. It's been testified by
9 Mr. Crane today that, as president of the Association,
10 that they make water generally available to the
11 general public. We have presented and I think you've
12 accepted the exhibit of the amend -- amended
13 memorandum decision of the Court of Appeals.

14 And I think it says clearly that Dansies are
15 entitled to certain amount of water and to transport
16 water free of charge. We have made the request for
17 Lot 41 and Lot 50 -- Lot 43 and Lot 51 for those
18 meters to be reconnected so we can receive water
19 service there.

20 They were reconnected at one time, about two
21 years ago -- four years ago. And then they were shut
22 off by the next group of attorneys and the next group
23 of Association directors and presidents.

24 I'm not sure that that's critically important
25 to the issue today, other than that's the purpose is

1 to receive the benefits that are provided and have
2 been ordered by the Court of Appeals at the end of the
3 line, after 35 years without much judicial economy,
4 and we would like to receive those benefits.

5 We hope that we don't have to go forward and
6 ask for a special writ to the Supreme Court to
7 bypro -- bypass this process to delay this for another
8 two or three years if the Public Service Commission
9 can't make a decision on it. Or why we should even
10 have to go through that to receive the benefits of our
11 bargain that had been upheld by the court.

12 THE COURT: Mr. Dansie, you mentioned that
13 the, the water had been turned off before. Do you, do
14 you know why the water was turned off?

15 MR. DANSIE: Nope. They just said that they
16 had new directors. They had a new president. Sue
17 Jero was the president then and Dale Gardiner was the
18 attorney. They ordered them to turn the water back
19 on. They turned it on to the two lots. And we
20 started receiving the water and using it on those
21 lots.

22 Then when they hired Craig Smith and they got
23 to some new directors they then went ahead and shut
24 the water off. And said that pending more appeals of
25 the case, why, we're going to wait until we get those

1 appeals done.

2 Those appeals are now done. I went to the
3 Division of Ut -- the Division of Drinking Water.
4 Specifically with regard to Lot 43 and Lot 51, which
5 were within the subdivision, have already been
6 approved for storage requirements, all those
7 requirements have been met. And they said there was
8 no further work to be done by anyone to pre -- to
9 receive water service on Lots 51 and 43.

10 On taking water outside the subdivision on
11 the other connections there were some additional
12 issues that have to be discussed and engineered and so
13 on and so forth before the Division of Drinking Water.
14 But Lot 43 and 51, they cleared it for providing the
15 water service.

16 Mr. Smith and the Association did not want to
17 provide that. And they thought, well, if they could
18 get it back before the Public Service Commission they
19 could get another bite at the apple.

20 I believe they're wrong because the
21 obligations under the well lease and water line
22 extension agreement that have been upheld go with the
23 DNA of the water system. They're a part of the water
24 system and you can't separate them, even in a rate
25 case.

1 THE COURT: Do you remember earlier today
2 Mr. Crane -- in fact I think it was your question that
3 he was responding to. You had -- you asked him about
4 turning the water off to -- I'm not sure if it was the
5 lots you're referring to now. But his explanation was
6 that the water was turned off for nonpayment. Do you,
7 do you recall that testimony?

8 MR. DANSIE: I recall the testimony. And
9 it's a misrepresentation or possibly on his part a lie
10 or something, because he wasn't there at the time. He
11 didn't write the letters. And they said they were
12 gonna wait until they had further hearings to
13 determine the outcome of this case.

14 This case has been taken all the way through
15 the courts with no judicial economy, 35 years, and
16 we're now entitled to benefits. So no, there was no
17 nonpayment because the water -- it says the water to
18 Lot 51 and 43 free, free in the judgment. Free. No
19 cost. No charge. Free.

20 THE COURT: Okay.

21 MR. DANSIE: There will be no bill other than
22 a meter reading.

23 THE COURT: Okay. Mr. Dansie, are those lots
24 within, within the, within the Homeowners Association?

25 MR. DANSIE: Yes, they are. They're Lot --

1 bear with me a minute and I'll try to point them out.
2 Lot 51 is right along -- I think it's right in here,
3 and Lot 43 is right there. They're within the
4 subdivision, which is an approved culinary drinking
5 water system.

6 And Kenneth Bousfield, the Division of
7 Drinking Water, wrote a letter that there was no
8 impediments or no further engineering or concerns that
9 their Division had before the Homeowners Association
10 began to provide water service. It was up to the
11 Association.

12 The connections on Lot 1, Lot 9, and to the
13 back 40, they had to have some more engineering and
14 some more things done before the Division of Drinking
15 Water would approve those connections. And obviously
16 they have to meet the Division of Drinking Water
17 requirements.

18 THE COURT: So earlier in the hearing when
19 Mr. Smith and I were talking about him providing some
20 clarification as to the, the service area under the,
21 the certificate which is at issue here of whether or
22 not that should be reinstated -- the CPN is what I'm
23 referring to, the certificate of public necessity.

24 Is it your understanding that your lots that
25 you've identified just a moment ago are within that

1 certificated area?

2 MR. DANSIE: They are within that
3 certificated area, yes. And the well lease
4 specifically names Lot 51 as one area where water
5 service should be provided free of charge. And other
6 properties that are owned by Dansies, which would be
7 Lot 43.

8 They are within the -- we really don't have a
9 new metes and bounds description, you've already
10 covered that. But in the old one they are both within
11 that -- within the certificated boundaries.

12 THE COURT: Okay. Thank you, sir.
13 Appreciate that clarification. I have no further
14 questions.

15 MS. SCHMID: I actually have one, if I may.

16 THE COURT: Okay.

17 MS. SCHMID: But it may take just a moment to
18 get there.

19 (Pause.)

20 REXCROSS-EXAMINATION

21 BY MS. SCHMID:

22 Q. Mr. Dansie, you received a copy of the data
23 responses the Company made to the Division, and you
24 received that copy yesterday; is that correct? You
25 received an email containing those?

1 A. I did not receive anything yesterday. I've
2 received some Division responses -- or some responses
3 to the Division from the Applicant, both for first set
4 of requests and second set of requests. I did receive
5 those. And I do appreciate Mr. Smith's effort and the
6 Division's effort on getting those to me as an
7 intervenor.

8 Q. Okay.

9 MS. SCHMID: May I approach the witness?

10 THE COURT: Sure.

11 MS. SCHMID: I don't have copies of this,
12 but -- I don't know if we need to -- depending on what
13 he answers we may or may not need to ask that it be
14 admitted as a cross exhibit.

15 Q. (By Ms. Schmid) Mr. Dansie, do you see the
16 bill for Lot 43 dated, is that 4/9/2012?

17 A. Yes.

18 Q. Do you recognize that bill?

19 A. Yes.

20 Q. Do you recognize the writing on that bill?

21 A. Yes.

22 Q. Whose writing is it?

23 A. It's mine.

24 Q. Okay. What does -- will you read what is
25 written on there?

1 A. Yes. This is a bill sent from Hi-Country
2 Estates Water Company --

3 Q. I'm sorry, will you just read the handwritten
4 comments on there that you made.

5 A. Okay. I received a bill. It was for standby
6 service. And it says:

7 Disputed. See court case. Thanks,
8 Rod Dansie. Hi-Country Association --
9 Homeowners Association owes 216 million
10 gallons of culinary water -- see well
11 lease -- to Dansies. Two hundred
12 sixteen million gallons to Dansies at a
13 value of 8 -- \$689,000-plus on those.

14 Q. The typed portion of this bill, does it have
15 a column named "Amount Due"?

16 A. Yes.

17 Q. Could you please read the numerical figure
18 that is typed in that amount due column?

19 A. Two thousand four hundred and seventy-six
20 thirty-four.

21 Q. Thank you.

22 A. Can I explain a little more about that?

23 Q. I'm not done.

24 A. Okay.

25 Q. And then turning over we have the same sort

1 of bill for Lot 51. Do you recognize that?

2 A. Yes.

3 Q. Okay. It's the same sort of thing.

4 A. Uh-huh.

5 MS. SCHMID: I would ask that -- and I
6 apologize, I don't have many copies. But I would ask
7 that the bill for Lot 43 be admitted as DPU Cross
8 Exhibit 1. And that the bill for Lot 40 -- 51 be
9 admitted as DPU Cross 2.

10 And Mr. Smith, do you have a copy of that?

11 MR. SMITH: I'm looking for mine, but I know
12 I have one somewhere, but. Yeah, and I, I have no
13 objection to those exhibits.

14 MS. SCHMID: We can provide a copy of each
15 document on a separate page.

16 THE COURT: Okay.

17 MS. SCHMID: So we request that those be
18 admitted.

19 THE COURT: Mr. Dansie, there has been no
20 objection thus far. Your, your --

21 MR. DANSIE: I --

22 THE COURT: Before this is entered you have
23 the opportunity to do so.

24 MR. DANSIE: Thank you. I would like to
25 object. That is for standby fees from the period

1 1994, when the Homeowners Association was awarded
2 ownership of the, of the water system going forward.
3 They have each month sent a bill for standby fees, and
4 each month I have written on it Disputed. They've
5 added late fees, which were in excess of their tariff,
6 and interest.

7 And those agreements with the prior directors
8 were that we would wait and see what the well lease
9 provided for whether the fee should be collected,
10 because the well lease states that we'll receive water
11 at no charge so we would not be paying a fee.

12 And so I would object strong that they not be
13 admitted. There's no basis. This was from '94
14 forward. There was no amount owed at the time that
15 the water was shut off. And the water was turned on
16 by the directors.

17 And when the new attorneys and the new
18 directors came in they made a different -- a change,
19 and that's when they started billing. So that was
20 from about 1994 on.

21 THE COURT: Ms. Schmid?

22 MS. SCHMID: I renew my request that it be
23 admitted. The document speaks for itself. And
24 Mr. Dansie has had the opportunity to explain how he
25 believes the document should be interpreted and

1 considered by the Commission.

2 THE COURT: Ms. Schmid, before ruling on this
3 I do see that it does refer to the standby charge.
4 And it looks like there's a standby charge and then a
5 number of late fees, which I believe is consistent
6 with what Mr. Dansie has noted.

7 So is it your understanding that, that that
8 is correct?

9 MS. SCHMID: It is my understand that the
10 documents represent that there is an amount owing for
11 standby fees. And then that there are amounts owing
12 for late fees. What is critical, I believe, is the
13 fact that there are amounts owing for standby fees.

14 And with that, I renew my request.

15 THE COURT: Mr. Dansie, did you have any
16 written agreement with the Hi-Country Homeowners
17 Association, or at that time the Hi-Country Estates
18 Water Company, that, that your Bill would be put into
19 pending status?

20 MR. DANSIE: Darrell Woolly, the previous
21 director of the Homeowners Association, and Gary
22 Frick, and some of the previous directors, we had met
23 and talked about that.

24 They said, Well, we could either pursue legal
25 action, but we're going to -- after the issue of free

1 water, which the Court has now awarded, and it would
2 make no sense to pay the bill and then have them
3 refund it. And so they said, We will just let it go
4 in abeyance.

5 This deal has been going on for 15 years. I
6 send a bill - a letter back every month, Disputed, see
7 court file.

8 THE COURT: Okay.

9 MR. DANSIE: See the reasons. And so
10 consequently it's a disputed bill. It's been
11 indicated it's disputed. It's a court case that's
12 been going on for 35 years. And judicial economy just
13 warranted that we just simply let it go until the
14 final decision. The final decision has now been made.

15 THE COURT: Okay. And do you have any
16 written agreement that says that they will put it in a
17 pend status until resolution of the court case.

18 MR. DANSIE: Only my correspondence every
19 month back with them.

20 THE COURT: Which has been your
21 correspondence. It has not been acknowledged or --
22 they keep sending you a bill, right?

23 MR. DANSIE: It has been acknowledged by the
24 previous directors. As Mr. Crane pointed out, he has
25 a different philosophy than the directors ahead of

1 him. So when he got in he was bound and determined he
2 was gonna collect it. And so he would send the bills.

3 If he wanted to collect it he would have
4 turned it over to Mr. Smith for collection. And
5 Mr. Smith probably advised him and knew that it wasn't
6 wise to do that.

7 THE COURT: Okay. Mr. Dansie, I'm gonna, I'm
8 gonna stop you there. For purposes of the hearing
9 we're -- it's not helpful if you are speculating about
10 what somebody else did or didn't do. What I would
11 like to know is in the years that you, that you've
12 owned these lots have you been billed for the standby
13 fee?

14 MR. DANSIE: Not before Mr. Crane became a
15 director.

16 THE COURT: Okay. And, and when, when were
17 you -- when did you start receiving standby bills?

18 MR. DANSIE: About 1996.

19 THE COURT: Okay.

20 MR. DANSIE: '97 or '98. About when
21 Mr. Crane became -- Mr. Crane -- when Mr. Smith became
22 the attorneys -- when the previous attorneys resigned,
23 withdrew, and when the previous Homeowners Association
24 directors resigned, that's when they started sending
25 new bills.

1 THE COURT: Okay. So at the time that you
2 sent this in you don't dispute that there was a bill
3 sent to you; is that correct?

4 MR. DANSIE: There was a bill sent to me --

5 THE COURT: Yes, sir.

6 MR. DANSIE: -- and a bill sent to them. So
7 there were counteroffering bills. Our claim there is
8 \$689,000. Their claim is 2,461.

9 THE COURT: Okay. So I believe the answer is
10 yes; is that correct? You received a bill and you're
11 not disputing that?

12 MR. DANSIE: That's correct.

13 THE COURT: Okay. And you re -- you received
14 a bill for both lots, Lot 43 and Lot 51?

15 MR. DANSIE: Yes.

16 THE COURT: Okay. And your testimony is that
17 you received a number of those bills, of which you
18 returned back stating that you did not owe the amount.
19 That, in essence, there -- the matter was still
20 pending. And you gave a further figure that you felt
21 you were owed based on water you weren't receiving?

22 MR. DANSIE: Every bill that I received each
23 month I responded back. I responded back, usually
24 back to the water company. Which was a group of -- a
25 committee that didn't have any authority to make any

1 decisions.

2 Each bill -- each time I got the bill I would
3 respond back. I started changing my notations back to
4 the president of the Homeowners Association so that
5 they could deal with it through their legal process
6 and get it resolved.

7 We've had discussions with their previous
8 attorneys, Dale Gardiner, and they said, We're just
9 gonna let that set until we get a final resolution.
10 We've received the final resolution. Each time I get
11 the bill each month I send the bill back and
12 correspond back with them.

13 THE COURT: Okay.

14 MR. DANSIE: Every month.

15 THE COURT: Okay. Thank you Mr. Dansie.

16 Inasmuch as the bill has been acknowledged, and I, I
17 don't think there's anything further that really needs
18 to be mentioned. Mr. Dansie has explained how he has
19 handled it, over and over. And these will be entered
20 into evidence as DPU Cross Exhibit No. 1 and DPU Cross
21 Exhibit No. 2.

22 (Exhibit Nos. DPU Cross-1 and 2 were
23 received.)

24 THE COURT: Anything further from the
25 parties?

1 MR. SMITH: I have nothing further -- oh, I'm
2 sorry. I have nothing further for Mr. Dansie.

3 MS. SCHMID: The Division has nothing further
4 either.

5 THE COURT: Okay. Mr. Dansie, do you wish to
6 say anything in closing?

7 MR. DANSIE: Yes. I would like to repeat
8 again, and I know you want judicial economy, but we've
9 been at this for 35 years. We've been before this
10 Commission 20 years before for 10 years. So we don't
11 have any judicial economy, I'm sorry, your Honor.

12 I would like to state that it's my belief
13 that the only reason Mr. Smith and the Homeowners
14 Association are here before the Public Service
15 Commission today is to try to get a second bite at the
16 apple and determine if they have the obligation to
17 fulfill the well lease agreement which says it's not
18 unconscionable, it's not against public policy, it's
19 not against Title 54. And the Court of Appeals, the
20 Supreme Court have all ruled that way and enforced it.

21 I believe this is double jeopardy. And I
22 believe the Commission should expediently deny their
23 request to come back in for certification because of
24 membership because the membership issues are very,
25 very shaky at best, as you've seen by the testimony

1 today. There's been conflicting testimony both ways.

2 And to make a decision that the people don't
3 have a vote. They pay their bill and they would not
4 be shut off because they're recorded agreements that
5 allow them to get service. The Homeowners Association
6 water system was quieted to them and all the
7 appurtenances that went out to it that provide service
8 to their existing customers.

9 And this Commission granted them permission
10 to serve those other people based on what those
11 agreements were 15 years ago. And they, they withdrew
12 the certificate of convenience ten years ago -- I'm --
13 my dates are not exactly right -- because there was no
14 need for Division regulation.

15 This is a stock mutual water company or a
16 Homeowners Association that has people that can vote
17 and put their people and directors. They set the
18 rates. They can vote for them. They attend the
19 meetings.

20 And I realize you say if there's one person
21 that does not get to vote then they -- we --
22 jurisdiction can be granted, and that may be right.
23 However, these people waived their right to vote
24 because they didn't want the restrictions on their
25 land.

1 And consequently to come in and bring this
2 before the Public Service Commission doesn't provide
3 for judicial economy, it's an exploitation of justice.

4 THE COURT: Thank you Mr. Dansie.

5 MS. SCHMID: To the extent that Mr. Dansie's
6 statement could be construed as a final argument, if
7 it is construed as a final argument the Division
8 requests a moment to provide a final argument as well.
9 If it is not construed as a final argument and is
10 construed as testimony there is no need for the
11 Division to request a final argument permission.

12 THE COURT: I interpret that as a closing
13 statement, closing argument. So you may have a moment
14 and we'll be off the record.

15 (A recess was taken from 2:35 to 2:41 p.m.)

16 THE COURT: Just so the parties are clear,
17 Mr. Dansie approached me just as we were going off the
18 record to ask that he make one additional comment as
19 part of his closing argument, I'm assuming.

20 And Mr. Dansie, I told you that once we go
21 back on the record you'll have an opportunity to do
22 that, so please proceed.

23 MR. DANSIE: Thank you. I would just like to
24 state that starting in 1994 we were current and there
25 was no water back -- standby fees owed on Lots 41 and

1 51 -- 43 and 51. This all took chase -- all these
2 standbys were accumulated as the appeal went forward
3 1994 to 2012.

4 In addition, all the Association fees for
5 Lot 51 and Lot 43 have always been paid on time.
6 There is no amount owed on those.

7 The other thing that gives me great concern
8 is the idea that we're trying to have hearings today,
9 and data that was corrected and -- unless the Division
10 thought they'd done a good job of collecting a lot of
11 information. But that information was substantially
12 changed when we walked in the door today with regard
13 to the number of members or nonmembers that were
14 allowed votes and so forth.

15 And I just received today the petitions -- or
16 the declarations of the people that said they didn't
17 have voting rights in the Association in the South
18 Oquirrh and Beagley Acres. That's of great concern to
19 me.

20 And I would also like to request that the
21 document that appeared to be recorded, which was the
22 right-of-way, we can take that county -- that
23 recording number, go to the County, and request a copy
24 of that recorded document. And that I be allowed to
25 submit that back to the Administrative Law Judge, to

1 you, for consideration with regard to the validity of
2 that agreement.

3 Even though you ruled today that it was not
4 acceptable, I would like to go back and get copies out
5 of the Court records that are stamped as exhibits, and
6 also the recording to see if that document was fully
7 recorded. I'd like permission to be able to submit
8 that in support of the fact that we're trying to
9 determine valid members.

10 THE COURT: Mr. Smith, would you like to
11 comment on what Mr. Dansie has requested?

12 MR. SMITH: I'm not trying to hide from
13 anything here, and we're not trying to hide. If
14 that's been recorded, great. It's just that I don't
15 know that it's been recorded.

16 THE COURT: Okay.

17 MR. SMITH: And if he wants to have a time to
18 try to submit a recorded version of it --

19 THE COURT: Okay.

20 MR. SMITH: -- I have no problem with that.

21 THE COURT: Okay.

22 MS. SCHMID: The Division has no objection to
23 that either.

24 THE COURT: Okay. Mr. Dansie, here, here's
25 what, here's what you can do. You mentioned that you

1 wanted to go to the court document and see if you
2 could find it there. That's not going to be
3 acceptable.

4 If you go to the county recorder and you find
5 the document there and you can provide a certified
6 copy from the county recorder and submit it to the
7 Commission, that will be accepted. Okay?

8 It has to be stamped "Certified Copy." And
9 that, that's something that you can ask them for when
10 you go to the county recorder's office. And if you
11 can find that document, you're welcome to submit it.
12 And it'll be considered part of this docket.

13 MR. DANSIE: Thank you, your Honor.

14 THE COURT: You're very welcome.

15 MR. DANSIE: Can I ask you one more question?
16 There's been a lot of talk about final arguments. I'm
17 not sure -- and maybe it's my lack of understanding of
18 the process here. Shouldn't be because I've been here
19 numerous times, but.

20 I have made the motion that this action
21 brought by the Homeowners Association to be re --
22 reinstated as a utility be denied. And I do that on
23 two or three bases. One, there's a pattern of deceit
24 and misinformation by the attorneys, by the --

25 MR. SMITH: I'm gonna object to this --

1 MR. DANSIE: -- Association, and to some
2 degree by the --

3 MR. SMITH: -- this type of argument or
4 whatever it is. You know, now we're down to name
5 calling. And I just don't think there's a place for
6 that here or in any court or Commission proceeding.

7 THE COURT: Mr. Dansie --

8 MR. DANSIE: I'm, I'm not name calling, I'm
9 just --

10 THE COURT: Mr. Dansie, I want -- I'm gonna
11 stop you. I believe that what was said before we went
12 on break was acknowledged by you as your closing
13 statement, your closing argument. I kindly let you
14 add onto that when we came back.

15 And the, the kind of rhetoric that you are
16 engaging in now is absolutely inappropriate and I will
17 not allow it. There's been no testimony whatsoever
18 that there has been a pattern of deceit or that the
19 attorneys have been anything other than upstanding in
20 this case.

21 So I very much appreciate your testimony. I
22 very much appreciate your involvement. And I hope
23 that you conveyed what you needed to convey today and
24 that you -- I want you to know that what you conveyed
25 was heard. And I very much understand where you're

1 coming from with your frustration and with the fact
2 that this has gone on for a very long time.

3 I'm, I'm going to ask now that you sit back
4 with the rest of the parties. I appreciate you coming
5 and participating in the hearing and for your
6 testimony today. It's very much appreciated.

7 So I am not going to let you proceed in the
8 manner that you were. I'd like you to have a seat
9 with the parties and allow the parties to continue,
10 and we will finalize this hearing.

11 MR. DANSIE: Thank you, your Honor.

12 Your Honor, it's my understanding that
13 hearings before the Public Service Commission and
14 Administrative Law Judge are to get the facts and all
15 of the facts. And only decisions made by the
16 Commission can be made after all the facts and
17 testimony have been given, heard.

18 And that anyone -- members of the water
19 system, people being served, have a right to comment,
20 put input into it, and be heard. And that's one of
21 the rules and one of the requirements of the Public
22 Service Commission jurisdiction and proceedings.
23 Thank you.

24 MR. SMITH: Do we have -- are there
25 exhibits -- if there's -- I'm sorry. If there's

1 exhibits with those documents you need to give
2 those -- I don't know if those -- you have picked up
3 any that were exhibits.

4 MR. DANSIE: These were the ones -- no, I
5 don't.

6 MR. SMITH: Oh, okay. I just want to make
7 sure that our reporter ends up with the exhibits and
8 we don't walk out with them, so.

9 THE COURT: We'll make sure she doesn't --
10 she's not missing anything.

11 MR. SMITH: Thank you.

12 THE COURT: Okay. I think we're ready now to
13 turn to closing arguments from the Company and from
14 the Division. And I'll let you decide which,
15 whichever --

16 MS. SCHMID: As he has the last word as the
17 Applicant may I go and --

18 MR. SMITH: Sure, that's fine.

19 MS. SCHMID: It's important to focus on what
20 is before us today and what is not before us today.
21 What has been brought to the Commission is a request
22 for reassessment of the Commission's jurisdiction over
23 the water company.

24 In response to that the Division conducted an
25 investigation and determined that the Company was

1 serving people who were not members.

2 After the Division made its recommendation
3 additional information was acquired that affected,
4 perhaps, that characterization. However, today we
5 heard testimony from Mr. Olschewski that he is not a
6 member, that he does not vote.

7 We have had uncontroverted testimony that the
8 BLM is being served and is not a member. We have a
9 declaration from Mr. DeHaan that has not -- that says
10 he is not a member. With that, the Division
11 recommended initially, and continues to recommend,
12 that the Company's letter of exemption be revoked.

13 Note that the Company's request for
14 reassessment is not the same thing as an application
15 for a certification. There is no application for
16 certification before us today. What is before us is
17 whether or not the letter of exemption should be
18 revoked. It is the Division's position that it should
19 be revoked.

20 If the Commission believes, however, that it
21 needs more information, the Division is amenable to
22 extending the process to provide greater opportunity
23 for such information to be obtained, reviewed, and
24 then presented to the Commission. Thank you.

25 THE COURT: Thank you Ms. Schmid.

1 MR. SMITH: Thank you. I appreciate
2 everyone's patience, I know this has been a longer day
3 than we all probably thought it would be. I'll try to
4 be very belief in closing.

5 And I, you know, I can also understand, as
6 someone who's just kind of come on the scene of this
7 many-multi-year dispute involving the Hi-Country
8 Estates Home Owners Association and Mr. Dansie and his
9 family, you know, I can appreciate his passion and his
10 single mindedness -- I'll put it that way -- as to
11 something that he thinks -- something that's very
12 important to him.

13 And I've been involved in some cases like
14 this -- I think every lawyer has at some point --
15 where something becomes sort of a holy grail in
16 someone's mind and that's, that becomes the thing that
17 they, they focus on and is most important in their
18 life.

19 And -- but we should not have the tail wag
20 the dog. And that's what I think is being asked for
21 by -- in opposing this. As the Association we came
22 forward because, in looking at the situation as we
23 found it -- and I wasn't the attorney for the
24 Association, you know, 10, 15 years ago back in 1996
25 and what happened then.

1 But we're -- we, we face a situation that I
2 think has been pretty well factually established today
3 without really any dispute. That situation is we have
4 mem -- people we are serving that are members. We
5 have requests for service and questions about what
6 we -- that -- with that service.

7 And allegations from Mr. Dansie about getting
8 service that he believes he's entitled to at a either
9 free -- I guess "free" is the, the word to put it.
10 And we just need to know where we stand with the
11 Public Service Commission.

12 And I think this hearing has been very
13 helpful because, at least in my mind, it has cleared
14 that up. And again I would point, as Ms. Schmid did,
15 to the testimony of Mr. Olschewski. I think that's
16 the most important testimony you heard today.

17 And the reason I think that's the most
18 important testimony is Mr. Olschewski does not have a
19 dog in the fight -- if I can stay with my dog
20 analogies today. And he does not have a dog in the
21 fight. He is just an individual who lives out near
22 Hi-Country Estates. He gets water service from
23 Hi-Country Estates. He is not a member of Hi-Country
24 Estates.

25 And again, none of this was disputed. This

1 was his testimony. He doesn't get to vote in any of
2 the elections. He doesn't even know what the members
3 pay for their water service. He was asked that
4 question. He says, I just know what I pay. I get a
5 bill, I pay it.

6 He was asked if he felt like that would be
7 advantageous or benefit for him to have that
8 protection that comes with regulation, and he said
9 yes. And I think if we, if we needed to we could
10 probably have had all of the other non-member people
11 that are being served get up and testify the same.
12 They certainly signed their -- these -- their
13 declarations and we didn't take, you know, days to do
14 that.

15 But we -- here we have this situation where
16 we have members of the public receiving service.
17 That's exactly what the Public Service Commission and
18 jurisdiction of the Public Service Commission is
19 designed to pro -- who they're designed to protect.

20 You know, this -- whether or not this
21 contract's valid, someday maybe that'll be decided.
22 You know, obviously people feel passionately about it.
23 But that's not before the Commission today.

24 The Commission's job isn't to get in the
25 middle of disputes between private contracting

1 individuals. What the Commission's job is is to
2 protect the public who would otherwise have no voice.
3 Just like I have no voice in Questar.

4 Questar could -- if I, if I wasn't protected
5 in my home in Salt Lake City by the Commission and the
6 Division, Questar could charge me any rate I guess
7 they choose to. And I would either have to go without
8 natural gas -- I guess I could do something else --
9 or, you know, because I have no say. I'm not -- I
10 don't vote in their elections. I'm not a member of
11 their board of directors. I'm not a large
12 stockholder.

13 And the same thing here today. We have
14 members of the public -- Mr. Olschewski and those in
15 his situation -- that need and legally deserve to
16 have, have, have the protection that being a member of
17 the -- being governed by the Public Service Commission
18 gives them.

19 And that way they, and including Mr. Dansie,
20 if they ever feel like they are being mistreated
21 because they live outside and aren't part of the club,
22 so to speak, or they are being overly charged because
23 they don't like the way the accounting is done between
24 the streets and the garbage and all those sorts of
25 things, they have a place to come.

1 Right, right now they have nowhere to come to
2 and they're just on their own. And I think the
3 evidence of all this is clear, and I would urge that
4 the Commission accept the recommendation of the
5 Division and grant -- and revoke the exemption and
6 reinstate the certificate of convenience and public
7 necessity. Thank you.

8 THE COURT: Thank you Mr. Smith.

9 MR. SMITH: Oh, if I can -- I have three -- I
10 wrote down three things that you asked me to provide.
11 If you have a minute before we wrap up.

12 THE COURT: Yes.

13 MR. SMITH: I don't know if you want to do
14 that on the record or off the record, but --

15 THE COURT: Sure.

16 MR. SMITH: -- I'd like to run through those
17 just to make sure. I -- what I'm always afraid of is
18 I'll leave one of these hearings and have promised to
19 do something and, and have forgot it because...

20 The three things I have written down -- and
21 if there's anything else, I -- is a map of the actual
22 service area. Again, that's not the exhibit we have
23 here. But we will provide a map following the metes
24 and bounds description that's in the Commission's
25 order that maps out the service area. Again, I think

1 it does include lands in addition to the, the, what's
2 considered to be within the HOA.

3 We also said that we would promise -- that we
4 would provide a copy of the well agreement that we've
5 talked about so much.

6 And then we will -- a third thing I believe I
7 promised to do is we will provide a smaller version of
8 Exhibit -- HOA Exhibit 1 that is marked up just like
9 HOA Exhibit 1 is and provide that to the reporter so
10 that can be included in the record.

11 Is there anything else that you would like --
12 have I covered it, or is there anything else that
13 you'd like me to provide?

14 THE COURT: I think that, that says it. And
15 thank you very much for summarizing that. That would
16 be great.

17 MR. SMITH: You're welcome, thank you.

18 THE COURT: So. I want to thank everybody
19 for coming today. I know it's been terribly long, and
20 much longer than I'm sure anybody imagined. I want to
21 thank each of you for your participation. And I want
22 to let you know that your input is very important.

23 And the Commission understands that this
24 issue has a long history behind it and that there is a
25 lot of passion and emotion involved.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 Certified Shorthand Reporter and Registered Professional Reporter 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 203, 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.

SIGNED ON THIS 25th DAY OF June, 2012.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

\$	122:18, 136:14, 140:20 1970s [1] - 115:1 1972 [2] - 14:23, 22:2 1973 [5] - 13:11, 20:8, 80:14, 133:19, 140:15 1977 [1] - 6:25 1985 [5] - 7:1, 13:11, 13:13, 13:14, 109:17 1986 [5] - 13:16, 80:15, 100:21, 150:22, 152:6 1989 [1] - 15:13 1994 [10] - 14:1, 14:2, 15:8, 81:12, 82:21, 181:1, 181:20, 189:24, 190:3 1996 [13] - 14:3, 55:18, 56:11, 57:8, 61:10, 79:17, 81:12, 81:13, 82:21, 114:13, 184:18, 197:24 1998 [2] - 15:16, 60:16 1:00 [1] - 127:1 1:03 [1] - 127:3 1:17 [1] - 134:10 1:26 [1] - 134:10	2195 [4] - 5:14, 10:1, 131:10, 171:1 21st [1] - 5:13 23 [2] - 14:2, 56:1 2532831 [1] - 133:18 2737 [1] - 55:19 29 [2] - 67:9, 146:25 2:35 [1] - 189:15 2:41 [1] - 189:15	175:18, 176:2, 177:4, 180:1, 180:8, 185:14, 190:1, 190:5 54 [2] - 166:19, 187:19 54-3-1-1 [1] - 150:21 54-3-18 [1] - 151:17 54-3-8(1) [1] - 150:21	access [14] - 10:19, 12:8, 12:9, 12:18, 15:25, 16:19, 16:21, 34:9, 34:10, 34:13, 34:15, 69:1, 135:13 accessible [1] - 119:2 accomplish [1] - 99:6 accomplished [1] - 29:15 accordance [4] - 136:1, 136:11, 137:8, 140:14 according [2] - 69:18, 69:21 accounting [1] - 200:23 accumulated [2] - 116:7, 190:2 acknowledged [4] - 183:21, 183:23, 186:16, 193:12 acquired [3] - 117:23, 134:23, 196:3 Acre [1] - 157:4 acres [12] - 20:8, 20:24, 32:11, 32:14, 42:10, 50:2, 100:17, 107:5, 108:17, 112:7, 112:8, 113:11 act [2] - 59:9, 61:11 action [4] - 80:2, 158:9, 182:25, 192:20 actu [1] - 63:5 actual [1] - 201:21 add [2] - 70:11, 193:14 added [4] - 10:11, 32:9, 32:10, 181:5 addition [4] - 146:23, 157:6, 190:4, 202:1 additional [16] - 12:22, 13:8, 15:24, 62:6, 75:19, 75:22, 93:16, 93:17, 93:19, 93:24, 97:25, 105:5, 113:5, 174:11, 189:18, 196:3 Additional [1] - 96:5 address [21] - 6:14, 6:16, 6:18, 8:7, 25:21, 30:1, 67:1, 85:2, 85:20, 86:11, 86:24, 95:24, 105:24, 106:15, 106:17, 117:19, 127:7, 130:24, 132:5, 169:19, 169:20 addressed [3] - 104:18, 132:7, 168:25
'	1977 [1] - 6:25 1985 [5] - 7:1, 13:11, 13:13, 13:14, 109:17 1986 [5] - 13:16, 80:15, 100:21, 150:22, 152:6 1989 [1] - 15:13 1994 [10] - 14:1, 14:2, 15:8, 81:12, 82:21, 181:1, 181:20, 189:24, 190:3 1996 [13] - 14:3, 55:18, 56:11, 57:8, 61:10, 79:17, 81:12, 81:13, 82:21, 114:13, 184:18, 197:24 1998 [2] - 15:16, 60:16 1:00 [1] - 127:1 1:03 [1] - 127:3 1:17 [1] - 134:10 1:26 [1] - 134:10	3	6	
'90 [2] - 61:9 '94 [2] - 83:2, 181:13 '96 [8] - 58:14, 58:15, 59:2, 59:11, 59:16, 60:7, 79:24, 83:2 '97 [3] - 58:14, 58:16, 184:20 '98 [2] - 60:7, 184:20 'em [2] - 64:23, 156:1	1977 [1] - 6:25 1985 [5] - 7:1, 13:11, 13:13, 13:14, 109:17 1986 [5] - 13:16, 80:15, 100:21, 150:22, 152:6 1989 [1] - 15:13 1994 [10] - 14:1, 14:2, 15:8, 81:12, 82:21, 181:1, 181:20, 189:24, 190:3 1996 [13] - 14:3, 55:18, 56:11, 57:8, 61:10, 79:17, 81:12, 81:13, 82:21, 114:13, 184:18, 197:24 1998 [2] - 15:16, 60:16 1:00 [1] - 127:1 1:03 [1] - 127:3 1:17 [1] - 134:10 1:26 [1] - 134:10	3 [5] - 106:19, 128:11, 147:2, 153:17, 154:21 30 [2] - 145:12, 163:7 300 [1] - 100:17 31 [1] - 14:6 33 [1] - 132:14 35 [5] - 25:23, 173:3, 175:15, 183:12, 187:9 3:00 [1] - 203:15	6 [2] - 5:18, 132:15 689,000-plus [1] - 179:13 6th [1] - 13:2	
0	1977 [1] - 6:25 1985 [5] - 7:1, 13:11, 13:13, 13:14, 109:17 1986 [5] - 13:16, 80:15, 100:21, 150:22, 152:6 1989 [1] - 15:13 1994 [10] - 14:1, 14:2, 15:8, 81:12, 82:21, 181:1, 181:20, 189:24, 190:3 1996 [13] - 14:3, 55:18, 56:11, 57:8, 61:10, 79:17, 81:12, 81:13, 82:21, 114:13, 184:18, 197:24 1998 [2] - 15:16, 60:16 1:00 [1] - 127:1 1:03 [1] - 127:3 1:17 [1] - 134:10 1:26 [1] - 134:10	4	7	
02010745 [1] - 149:21	1977 [1] - 6:25 1985 [5] - 7:1, 13:11, 13:13, 13:14, 109:17 1986 [5] - 13:16, 80:15, 100:21, 150:22, 152:6 1989 [1] - 15:13 1994 [10] - 14:1, 14:2, 15:8, 81:12, 82:21, 181:1, 181:20, 189:24, 190:3 1996 [13] - 14:3, 55:18, 56:11, 57:8, 61:10, 79:17, 81:12, 81:13, 82:21, 114:13, 184:18, 197:24 1998 [2] - 15:16, 60:16 1:00 [1] - 127:1 1:03 [1] - 127:3 1:17 [1] - 134:10 1:26 [1] - 134:10	4 [2] - 153:17, 154:21 4/9/2012 [1] - 178:16 40 [13] - 15:24, 20:8, 20:24, 32:14, 42:10, 50:2, 107:5, 108:17, 112:7, 112:8, 113:11, 176:13, 180:8 40-acre [8] - 19:14, 20:14, 43:24, 100:18, 135:1, 138:20, 139:4 40-acre.. [1] - 38:4 41 [3] - 83:24, 172:17, 189:25 42 [1] - 15:23 43 [20] - 6:21, 82:24, 83:6, 91:14, 93:22, 94:18, 95:7, 96:8, 172:17, 174:4, 174:9, 174:14, 175:18, 176:3, 177:7, 178:16, 180:7, 185:14, 190:1, 190:5	7 [1] - 132:19 75 [1] - 52:19 7570 [1] - 106:18 7th [1] - 13:7	
1	1977 [1] - 6:25 1985 [5] - 7:1, 13:11, 13:13, 13:14, 109:17 1986 [5] - 13:16, 80:15, 100:21, 150:22, 152:6 1989 [1] - 15:13 1994 [10] - 14:1, 14:2, 15:8, 81:12, 82:21, 181:1, 181:20, 189:24, 190:3 1996 [13] - 14:3, 55:18, 56:11, 57:8, 61:10, 79:17, 81:12, 81:13, 82:21, 114:13, 184:18, 197:24 1998 [2] - 15:16, 60:16 1:00 [1] - 127:1 1:03 [1] - 127:3 1:17 [1] - 134:10 1:26 [1] - 134:10	5	8	
1 [15] - 14:17, 15:25, 16:1, 16:2, 16:18, 16:23, 17:1, 55:9, 63:7, 71:3, 73:23, 148:20, 152:6, 176:12 10 [2] - 187:10, 197:24 10:40 [1] - 76:24 10:48 [1] - 76:24 11-2195-01 [2] - 5:6, 131:8 11:55 [1] - 127:3 12 [3] - 95:15, 96:20, 97:4 123 [3] - 39:5, 90:20, 132:16 132 [4] - 14:7, 39:4, 132:14, 132:16 13th [1] - 142:6 14 [2] - 147:1, 159:10 14050 [1] - 106:18 15 [8] - 5:1, 71:4, 133:19, 140:15, 140:20, 183:5, 188:11, 197:24 15th [1] - 142:6 17 [2] - 39:3, 170:7 17th [5] - 8:11, 8:12, 8:16, 9:15, 170:4 18 [1] - 26:8 18417 [1] - 93:16 19 [1] - 117:7 1970 [4] - 79:23,	2 [4] - 128:11, 153:17, 180:9, 186:22 2,461 [1] - 185:8 20 [6] - 52:5, 52:6, 72:19, 93:6, 93:15, 187:10 2000 [1] - 60:9 2001 [2] - 60:8, 60:17 2004 [1] - 83:3 2006 [1] - 83:4 2008 [4] - 72:19, 93:6, 93:15, 147:11 2008-2009 [1] - 61:7 2009 [3] - 60:9, 60:19, 61:4 20090433-CA [1] - 146:25 2010 [5] - 60:9, 60:12, 60:19, 60:21, 145:12 2011 [5] - 14:7, 56:1, 66:18, 67:9, 146:25 2012 [6] - 5:1, 5:18, 8:21, 39:3, 170:7, 190:3 2020 [1] - 149:21 21 [1] - 8:21 216 [1] - 179:9	5 [5] - 14:3, 52:3, 52:5, 105:11, 105:14 50 [2] - 136:23, 172:17 51 [23] - 6:21, 15:24, 48:11, 82:24, 83:24, 91:14, 93:23, 94:17, 95:7, 96:8, 172:17, 174:4, 174:9, 174:14,	8 [1] - 179:13 80 [2] - 50:2, 52:19	
1 [15] - 14:17, 15:25, 16:1, 16:2, 16:18, 16:23, 17:1, 55:9, 63:7, 71:3, 73:23, 148:20, 152:6, 176:12 10 [2] - 187:10, 197:24 10:40 [1] - 76:24 10:48 [1] - 76:24 11-2195-01 [2] - 5:6, 131:8 11:55 [1] - 127:3 12 [3] - 95:15, 96:20, 97:4 123 [3] - 39:5, 90:20, 132:16 132 [4] - 14:7, 39:4, 132:14, 132:16 13th [1] - 142:6 14 [2] - 147:1, 159:10 14050 [1] - 106:18 15 [8] - 5:1, 71:4, 133:19, 140:15, 140:20, 183:5, 188:11, 197:24 15th [1] - 142:6 17 [2] - 39:3, 170:7 17th [5] - 8:11, 8:12, 8:16, 9:15, 170:4 18 [1] - 26:8 18417 [1] - 93:16 19 [1] - 117:7 1970 [4] - 79:23,	2 [4] - 128:11, 153:17, 180:9, 186:22 2,461 [1] - 185:8 20 [6] - 52:5, 52:6, 72:19, 93:6, 93:15, 187:10 2000 [1] - 60:9 2001 [2] - 60:8, 60:17 2004 [1] - 83:3 2006 [1] - 83:4 2008 [4] - 72:19, 93:6, 93:15, 147:11 2008-2009 [1] - 61:7 2009 [3] - 60:9, 60:19, 61:4 20090433-CA [1] - 146:25 2010 [5] - 60:9, 60:12, 60:19, 60:21, 145:12 2011 [5] - 14:7, 56:1, 66:18, 67:9, 146:25 2012 [6] - 5:1, 5:18, 8:21, 39:3, 170:7, 190:3 2020 [1] - 149:21 21 [1] - 8:21 216 [1] - 179:9	4 [2] - 153:17, 154:21 4/9/2012 [1] - 178:16 40 [13] - 15:24, 20:8, 20:24, 32:14, 42:10, 50:2, 107:5, 108:17, 112:7, 112:8, 113:11, 176:13, 180:8 40-acre [8] - 19:14, 20:14, 43:24, 100:18, 135:1, 138:20, 139:4 40-acre.. [1] - 38:4 41 [3] - 83:24, 172:17, 189:25 42 [1] - 15:23 43 [20] - 6:21, 82:24, 83:6, 91:14, 93:22, 94:18, 95:7, 96:8, 172:17, 174:4, 174:9, 174:14, 175:18, 176:3, 177:7, 178:16, 180:7, 185:14, 190:1, 190:5	9 [12] - 14:17, 16:2, 16:19, 16:23, 39:5, 49:10, 55:9, 73:23, 90:21, 132:18, 132:20, 176:12 90 [1] - 55:9 92 [1] - 132:15 99 [2] - 16:1, 17:2 9:04 [1] - 5:1	
1 [15] - 14:17, 15:25, 16:1, 16:2, 16:18, 16:23, 17:1, 55:9, 63:7, 71:3, 73:23, 148:20, 152:6, 176:12 10 [2] - 187:10, 197:24 10:40 [1] - 76:24 10:48 [1] - 76:24 11-2195-01 [2] - 5:6, 131:8 11:55 [1] - 127:3 12 [3] - 95:15, 96:20, 97:4 123 [3] - 39:5, 90:20, 132:16 132 [4] - 14:7, 39:4, 132:14, 132:16 13th [1] - 142:6 14 [2] - 147:1, 159:10 14050 [1] - 106:18 15 [8] - 5:1, 71:4, 133:19, 140:15, 140:20, 183:5, 188:11, 197:24 15th [1] - 142:6 17 [2] - 39:3, 170:7 17th [5] - 8:11, 8:12, 8:16, 9:15, 170:4 18 [1] - 26:8 18417 [1] - 93:16 19 [1] - 117:7 1970 [4] - 79:23,	2 [4] - 128:11, 153:17, 180:9, 186:22 2,461 [1] - 185:8 20 [6] - 52:5, 52:6, 72:19, 93:6, 93:15, 187:10 2000 [1] - 60:9 2001 [2] - 60:8, 60:17 2004 [1] - 83:3 2006 [1] - 83:4 2008 [4] - 72:19, 93:6, 93:15, 147:11 2008-2009 [1] - 61:7 2009 [3] - 60:9, 60:19, 61:4 20090433-CA [1] - 146:25 2010 [5] - 60:9, 60:12, 60:19, 60:21, 145:12 2011 [5] - 14:7, 56:1, 66:18, 67:9, 146:25 2012 [6] - 5:1, 5:18, 8:21, 39:3, 170:7, 190:3 2020 [1] - 149:21 21 [1] - 8:21 216 [1] - 179:9	5 [5] - 14:3, 52:3, 52:5, 105:11, 105:14 50 [2] - 136:23, 172:17 51 [23] - 6:21, 15:24, 48:11, 82:24, 83:24, 91:14, 93:23, 94:17, 95:7, 96:8, 172:17, 174:4, 174:9, 174:14,	A	
1 [15] - 14:17, 15:25, 16:1, 16:2, 16:18, 16:23, 17:1, 55:9, 63:7, 71:3, 73:23, 148:20, 152:6, 176:12 10 [2] - 187:10, 197:24 10:40 [1] - 76:24 10:48 [1] - 76:24 11-2195-01 [2] - 5:6, 131:8 11:55 [1] - 127:3 12 [3] - 95:15, 96:20, 97:4 123 [3] - 39:5, 90:20, 132:16 132 [4] - 14:7, 39:4, 132:14, 132:16 13th [1] - 142:6 14 [2] - 147:1, 159:10 14050 [1] - 106:18 15 [8] - 5:1, 71:4, 133:19, 140:15, 140:20, 183:5, 188:11, 197:24 15th [1] - 142:6 17 [2] - 39:3, 170:7 17th [5] - 8:11, 8:12, 8:16, 9:15, 170:4 18 [1] - 26:8 18417 [1] - 93:16 19 [1] - 117:7 1970 [4] - 79:23,	2 [4] - 128:11, 153:17, 180:9, 186:22 2,461 [1] - 185:8 20 [6] - 52:5, 52:6, 72:19, 93:6, 93:15, 187:10 2000 [1] - 60:9 2001 [2] - 60:8, 60:17 2004 [1] - 83:3 2006 [1] - 83:4 2008 [4] - 72:19, 93:6, 93:15, 147:11 2008-2009 [1] - 61:7 2009 [3] - 60:9, 60:19, 61:4 20090433-CA [1] - 146:25 2010 [5] - 60:9, 60:12, 60:19, 60:21, 145:12 2011 [5] - 14:7, 56:1, 66:18, 67:9, 146:25 2012 [6] - 5:1, 5:18, 8:21, 39:3, 170:7, 190:3 2020 [1] - 149:21 21 [1] - 8:21 216 [1] - 179:9	5 [5] - 14:3, 52:3, 52:5, 105:11, 105:14 50 [2] - 136:23, 172:17 51 [23] - 6:21, 15:24, 48:11, 82:24, 83:24, 91:14, 93:23, 94:17, 95:7, 96:8, 172:17, 174:4, 174:9, 174:14,	a.m [1] - 76:24 A.M [1] - 5:1 abeyance [1] - 183:4 abide [1] - 65:9 ability [1] - 86:6 able [4] - 7:5, 87:16, 105:20, 191:7 Absolutely [1] - 9:1 absolutely [2] - 160:9, 193:16 accept [2] - 158:8, 201:4 acceptable [2] - 191:4, 192:3 accepted [3] - 160:24, 172:12, 192:7	

<p>addressing [3] - 8:22, 83:19, 125:3 adjacent [3] - 49:9, 107:6, 118:22 adjoining [1] - 135:2 adjourned [1] - 203:14 adjudged [1] - 148:6 adjudicating [1] - 147:5 administering [1] - 113:8 administrative [2] - 8:16, 8:20 Administrative Law Judge [3] - 5:4, 190:25, 194:14 admissible [1] - 159:1 admission [2] - 156:8, 160:20 admitted [9] - 143:12, 143:18, 162:4, 178:14, 180:7, 180:9, 180:18, 181:13, 181:23 advantageous [1] - 199:7 advice [2] - 95:8 advised [1] - 184:5 affect [3] - 68:4, 94:9, 120:20 affected [1] - 196:3 affecting [1] - 151:8 affiliation [1] - 120:5 affirmance [1] - 147:2 affirmed [3] - 147:10, 150:16, 151:20 affordable [1] - 104:9 aforesaid [1] - 137:5 afraid [1] - 201:17 afternoon [2] - 128:20, 132:4 agency [3] - 18:9, 112:8, 146:6 aggravate [1] - 84:23 ago [12] - 35:2, 54:16, 59:17, 60:11, 142:7, 144:6, 172:21, 176:25, 188:11, 188:12, 197:24 agree [16] - 38:19, 39:8, 39:10, 89:8, 115:16, 135:25, 136:5, 136:15, 136:21, 159:15, 159:17, 160:2, 160:5, 161:25, 162:2, 164:1 agreed [5] - 74:20,</p>	<p>108:25, 109:7, 118:16, 163:8 Agreement [1] - 140:10 agreement [65] - 6:25, 7:3, 7:25, 10:20, 15:25, 18:13, 19:25, 20:2, 20:17, 20:23, 21:2, 22:3, 23:19, 23:25, 33:14, 44:7, 49:6, 49:19, 49:20, 49:23, 52:15, 61:20, 61:22, 61:25, 69:7, 75:1, 77:16, 81:23, 83:25, 84:5, 84:9, 94:21, 96:9, 96:21, 108:19, 118:19, 118:24, 134:17, 135:16, 137:15, 137:20, 140:15, 140:19, 140:21, 140:22, 141:13, 141:17, 147:7, 153:17, 153:18, 154:12, 154:18, 155:24, 164:13, 164:25, 165:4, 165:23, 166:5, 174:22, 182:16, 183:16, 187:17, 191:2, 202:4 agreement's [1] - 154:19 agreements [15] - 20:18, 65:9, 113:13, 114:11, 122:19, 133:7, 141:24, 144:20, 155:6, 155:7, 163:6, 163:11, 181:7, 188:4, 188:11 agrees [2] - 135:20, 138:24 ahead [5] - 35:8, 129:12, 130:15, 173:23, 183:25 aid [1] - 7:7 allegations [1] - 198:7 allow [10] - 24:9, 30:18, 135:13, 144:10, 146:7, 158:4, 162:3, 188:5, 193:17, 194:9 allowed [10] - 34:3, 34:5, 40:13, 41:15, 46:9, 89:18, 96:15, 146:10, 190:14, 190:24 alone [1] - 96:12 ambient [1] - 21:19 amenable [1] - 196:21</p>	<p>amend [1] - 172:12 Amended [3] - 140:10, 146:24, 159:6 amended [3] - 62:9, 132:3, 172:12 amendment [5] - 6:25, 11:12, 137:23, 140:19, 140:20 amount [10] - 84:19, 84:21, 100:16, 124:23, 172:15, 179:18, 181:14, 182:10, 185:18, 190:6 Amount [1] - 179:15 amounts [2] - 182:11, 182:13 analogies [1] - 198:20 analogy [1] - 36:3 and-a-half [1] - 144:6 annex [1] - 144:7 annexed [3] - 53:17, 112:16, 144:5 annual [2] - 47:20, 48:7 annulled [1] - 55:18 answer [14] - 41:23, 43:19, 57:20, 75:3, 81:21, 83:1, 104:19, 154:4, 155:1, 155:19, 156:5, 163:16, 167:4, 185:9 answers [1] - 178:13 anticipate [1] - 159:16 anticipated [1] - 159:14 anticipation [2] - 159:23, 160:6 anyway [2] - 46:7, 151:25 apologize [4] - 11:2, 38:11, 134:13, 180:6 appeal [2] - 64:1, 190:2 appeals [3] - 173:24, 174:1, 174:2 Appeals [22] - 7:2, 23:25, 50:21, 51:5, 51:12, 62:1, 63:3, 64:1, 67:8, 68:2, 81:24, 95:12, 147:23, 150:16, 151:21, 159:14, 159:24, 160:6, 164:23, 172:13, 173:2, 187:19 Appeals' [2] - 50:14, 67:11 appear [1] - 155:10 appearances [1] - 5:22</p>	<p>appeared [1] - 190:21 appellate [1] - 63:12 apple [3] - 166:22, 174:19, 187:16 applicable [2] - 144:17, 162:1 Applicant [6] - 18:5, 122:5, 124:1, 149:5, 178:3, 195:17 application [14] - 45:19, 49:8, 49:15, 55:21, 55:24, 56:18, 66:16, 67:7, 68:25, 77:11, 125:13, 131:20, 196:14, 196:15 applied [1] - 47:24 apply [4] - 42:9, 43:11, 78:4, 144:18 Appreciate [1] - 177:13 appreciate [12] - 48:2, 72:8, 101:23, 104:21, 115:19, 124:17, 178:5, 193:21, 193:22, 194:4, 197:1, 197:9 appreciated [2] - 131:2, 194:6 approach [3] - 28:19, 72:18, 178:9 approached [2] - 46:22, 189:17 appropriate [5] - 81:4, 84:23, 85:22, 89:6, 142:25 approval [1] - 65:4 approvals [1] - 116:15 approve [1] - 176:15 approved [8] - 35:4, 35:21, 73:19, 74:4, 77:25, 114:7, 174:6, 176:4 appurtenances [2] - 148:12, 188:7 appurtenant [2] - 148:11, 158:12 April [2] - 93:5, 145:12 area [68] - 16:22, 16:24, 17:4, 17:5, 17:7, 29:1, 29:2, 29:8, 29:16, 30:6, 30:7, 31:13, 32:8, 32:9, 33:2, 33:14, 33:15, 37:25, 38:6, 38:15, 40:4, 42:1, 43:7, 43:8, 49:2, 53:12, 53:13, 53:24, 55:3, 55:15,</p>	<p>65:16, 65:25, 75:7, 75:13, 75:21, 77:8, 78:25, 98:12, 98:13, 99:4, 99:24, 100:1, 100:9, 100:25, 101:2, 101:3, 105:18, 107:5, 107:9, 109:18, 113:19, 115:3, 116:11, 123:2, 146:5, 146:11, 163:19, 171:14, 171:22, 171:23, 176:20, 177:1, 177:3, 177:4, 201:22, 201:25 areas [3] - 32:6, 41:13, 42:21 arguing [1] - 169:15 argument [6] - 189:6, 189:7, 189:8, 189:9, 189:11, 193:3 argumentative [1] - 50:12 arguments [2] - 95:24, 192:16 arise [1] - 6:12 arm [1] - 130:11 arrangement [1] - 86:20 Articles [1] - 136:11 aspects [1] - 91:7 assert [3] - 159:24, 160:7, 160:15 assessed [2] - 19:10, 119:8 assessment [5] - 12:2, 39:24, 39:25, 40:1, 48:7 assessments [3] - 109:12, 119:4, 119:5 assets [2] - 13:16, 13:24 assigned [1] - 13:17 assigns [2] - 155:16, 157:25 assistants [1] - 156:19 Assoc [1] - 148:5 Associa [2] - 54:19, 164:19 associated [4] - 40:2, 48:15, 81:17 associates [1] - 139:14 Association [98] - 13:6, 13:10, 13:21, 13:23, 14:1, 14:19, 14:24, 15:21, 15:23, 16:11, 16:14, 18:10, 21:3, 22:25, 23:8, 25:3, 27:7, 34:1, 34:4, 34:6, 34:19, 34:21,</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>34:25, 35:15, 35:17, 35:20, 46:6, 47:20, 51:24, 51:25, 52:2, 52:24, 53:10, 55:12, 56:5, 56:8, 57:17, 58:12, 58:22, 58:25, 63:2, 63:8, 63:11, 63:12, 71:1, 71:2, 71:7, 74:16, 74:21, 74:23, 76:2, 77:19, 80:13, 87:2, 87:16, 96:7, 107:25, 108:3, 108:6, 108:13, 108:18, 109:1, 109:5, 109:9, 118:16, 118:17, 118:21, 118:23, 119:4, 120:3, 120:13, 120:17, 120:19, 136:7, 142:1, 147:20, 151:10, 162:20, 162:22, 163:4, 163:6, 163:9, 163:15, 163:20, 163:23, 165:13, 166:17, 172:9, 172:23, 174:16, 176:11, 179:8, 190:4, 190:17, 193:1, 197:8, 197:21, 197:24</p> <p>Association's [5] - 5:8, 46:18, 75:25, 79:19, 150:25</p> <p>associations [1] - 39:20</p> <p>assume [12] - 28:11, 28:21, 36:8, 64:24, 86:21, 98:8, 98:17, 115:3, 126:8, 141:5, 169:13</p> <p>assumed [1] - 155:21</p> <p>assuming [7] - 29:1, 93:12, 98:22, 99:25, 130:21, 157:23, 189:19</p> <p>assumption [2] - 80:17, 130:23</p> <p>attempt [1] - 56:12</p> <p>attempted [1] - 143:13</p> <p>attempting [2] - 130:23, 152:17</p> <p>attend [3] - 46:12, 120:4, 188:18</p> <p>attended [1] - 158:14</p> <p>attention [2] - 58:23, 104:2</p> <p>Attorney [1] - 6:3</p> <p>attorney [5] - 7:14, 66:18, 95:8, 173:18, 197:23</p> <p>attorney's [1] - 68:10</p>	<p>Attorney's [1] - 6:4</p> <p>attorneys [8] - 18:5, 172:22, 181:17, 184:22, 186:8, 192:24, 193:19</p> <p>auctions [1] - 33:16</p> <p>August [3] - 72:19, 93:6, 93:15</p> <p>authority [2] - 166:25, 185:25</p> <p>authorized [1] - 83:23</p> <p>available [9] - 17:18, 48:20, 49:14, 49:18, 50:3, 51:7, 51:21, 119:3, 172:10</p> <p>avoid [1] - 166:17</p> <p>awarded [5] - 13:24, 63:4, 63:12, 181:1, 183:1</p> <p>aware [16] - 40:18, 40:21, 40:23, 43:21, 46:7, 50:14, 56:16, 57:14, 58:16, 62:3, 64:5, 67:2, 93:20, 95:12, 113:14, 114:14</p> <p style="text-align: center;">B</p> <p>BA [1] - 106:19</p> <p>background [4] - 56:12, 62:6, 161:22, 162:3</p> <p>backtracking [1] - 169:5</p> <p>Bagley [9] - 20:1, 20:7, 108:16, 113:17, 115:5, 135:11, 138:16, 139:13, 155:18</p> <p>Bagley Company [1] - 42:22</p> <p>Bagley's [1] - 13:17</p> <p>Bagleys [2] - 138:6, 139:2</p> <p>bargain [1] - 173:11</p> <p>barring [1] - 128:7</p> <p>based [28] - 15:25, 24:18, 42:18, 51:12, 61:16, 68:16, 70:7, 70:12, 77:5, 90:19, 91:1, 95:7, 96:18, 98:18, 115:15, 117:23, 119:9, 123:9, 123:22, 131:11, 141:15, 142:4, 158:9, 158:13, 163:10, 171:2, 185:21, 188:10</p> <p>Based [8] - 16:3, 20:23, 51:4, 65:14, 65:19, 129:25, 156:7,</p>	<p>163:6</p> <p>bases [1] - 192:23</p> <p>basic [1] - 48:7</p> <p>basis [5] - 24:9, 85:7, 98:23, 115:17, 181:13</p> <p>battle [4] - 61:15, 61:17, 68:6, 68:11</p> <p>Beagley [10] - 14:22, 19:5, 38:23, 139:4, 139:6, 142:5, 149:1, 152:22, 155:5, 157:4</p> <p>Beagley Acres [15] - 19:3, 32:13, 41:11, 41:16, 42:20, 43:8, 43:13, 46:9, 47:19, 106:19, 114:25, 115:21, 124:12, 163:13, 190:18</p> <p>Beagleys [25] - 20:1, 20:4, 20:12, 20:25, 22:8, 22:17, 32:19, 32:20, 33:22, 36:6, 38:21, 43:22, 48:12, 53:7, 113:23, 114:10, 114:19, 124:7, 135:9, 137:18, 138:6, 138:10, 139:3, 155:17</p> <p>Bear [1] - 88:25</p> <p>bear [2] - 110:5, 176:1</p> <p>became [7] - 57:11, 81:17, 94:18, 108:19, 184:14, 184:21</p> <p>because.. [1] - 201:19</p> <p>become [12] - 19:12, 21:2, 43:25, 58:11, 60:1, 69:9, 78:9, 108:18, 113:21, 119:2, 136:5, 139:9</p> <p>becomes [2] - 197:15, 197:16</p> <p>began [2] - 61:4, 176:10</p> <p>begin [1] - 5:22</p> <p>begins [1] - 170:10</p> <p>behalf [2] - 5:24, 9:13</p> <p>behind [1] - 202:24</p> <p>belief [3] - 63:3, 187:12, 197:4</p> <p>beliefs [1] - 117:16</p> <p>believes [3] - 181:25, 196:20, 198:8</p> <p>belong [1] - 108:6</p> <p>belonging [2] - 14:10, 14:14</p> <p>belongs [1] - 14:12</p> <p>beneficial [2] - 165:20, 165:21</p> <p>benefit [3] - 63:20,</p>	<p>122:8, 199:7</p> <p>benefits [8] - 80:23, 84:8, 120:12, 165:22, 173:1, 173:4, 173:10, 175:16</p> <p>Benvegnu [6] - 6:6, 8:24, 9:4, 9:13, 12:21, 17:18</p> <p>BENVEGNUM [2] - 9:8, 134:2</p> <p>BENVEGNUM-SPRINGER [1] - 134:2</p> <p>Benvegnum-Springer [5] - 8:24, 9:4, 9:13, 12:21, 17:18</p> <p>best [7] - 45:18, 52:1, 52:8, 69:22, 86:10, 113:9, 187:25</p> <p>bet [2] - 106:20, 138:4</p> <p>better [9] - 7:6, 11:1, 11:5, 31:7, 62:6, 64:10, 99:5, 103:7, 106:21</p> <p>between [16] - 20:6, 26:19, 41:10, 49:23, 57:8, 71:20, 84:21, 108:15, 108:22, 108:25, 134:17, 140:21, 140:23, 163:18, 199:25, 200:23</p> <p>beyond [4] - 105:14, 105:17, 123:15, 147:24</p> <p>big [3] - 128:14, 152:24, 153:1</p> <p>biggest [1] - 65:11</p> <p>Bigleys [1] - 36:5</p> <p>Bill [1] - 182:18</p> <p>bill [33] - 19:7, 19:9, 83:13, 84:3, 175:21, 178:16, 178:18, 178:20, 179:1, 179:5, 179:14, 180:1, 180:7, 180:8, 181:3, 183:2, 183:6, 183:10, 183:22, 185:2, 185:4, 185:6, 185:10, 185:14, 185:22, 186:2, 186:11, 186:16, 188:3, 199:5</p> <p>billed [1] - 184:12</p> <p>billing [1] - 181:19</p> <p>bills [8] - 22:7, 83:14, 87:19, 184:2, 184:17, 184:25, 185:7, 185:17</p> <p>binding [3] - 150:25, 155:15, 156:1</p> <p>binds [1] - 139:9</p>	<p>bit [17] - 23:14, 31:22, 35:13, 47:18, 52:11, 52:16, 53:1, 70:16, 94:8, 102:16, 103:7, 112:20, 117:6, 130:16, 130:19, 132:19, 138:3</p> <p>bite [3] - 166:22, 174:19, 187:15</p> <p>BLM [7] - 18:3, 33:11, 33:13, 36:7, 36:11, 40:19, 196:8</p> <p>block [1] - 154:8</p> <p>blue [5] - 32:3, 32:6, 171:11, 171:12</p> <p>board [13] - 26:14, 26:22, 35:20, 59:7, 59:9, 59:12, 60:1, 60:8, 60:10, 80:20, 103:4, 171:8</p> <p>board of directors [5] - 26:24, 35:21, 79:19, 80:13, 200:11</p> <p>Bob Hymas [4] - 15:13, 52:12, 52:13, 52:16</p> <p>border [1] - 136:16</p> <p>borders [1] - 119:2</p> <p>borne [9] - 69:2, 69:12, 69:18, 70:4, 70:16, 70:25, 75:23, 144:13</p> <p>borrow [2] - 76:10, 133:8</p> <p>bottom [1] - 153:23</p> <p>bought [9] - 43:24, 44:6, 57:11, 59:1, 59:18, 78:2, 155:17, 163:8</p> <p>bound [1] - 184:1</p> <p>boundaries [15] - 30:9, 30:10, 32:7, 41:12, 47:21, 53:24, 77:9, 104:12, 120:18, 144:12, 144:13, 144:15, 145:15, 171:16, 177:11</p> <p>boundary [5] - 32:8, 171:11, 171:12, 171:22</p> <p>boy [1] - 24:25</p> <p>break [3] - 76:22, 127:1, 193:12</p> <p>Brian [1] - 166:6</p> <p>bridle [2] - 120:9, 120:10</p> <p>brief [1] - 13:9</p> <p>bring [5] - 7:7, 35:19, 61:12, 169:1, 189:1</p> <p>broader [1] - 94:8</p> <p>broken [1] - 27:15</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>brother [2] - 111:2, 111:21</p> <p>brought [11] - 42:18, 50:13, 68:7, 108:22, 123:25, 146:1, 147:21, 155:22, 157:19, 192:21, 195:21</p> <p>budgets [1] - 46:14</p> <p>build [2] - 41:21, 116:3</p> <p>building [1] - 103:25</p> <p>built [3] - 114:25, 115:6, 139:13</p> <p>burden [1] - 103:18</p> <p>Bureau [2] - 14:9, 15:18</p> <p>business [4] - 48:10, 75:1, 79:21, 79:22</p> <p>Butterfield [1] - 31:19</p> <p>buy [3] - 78:8, 155:17</p> <p>buys [1] - 94:13</p> <p>BY [15] - 9:12, 18:2, 25:20, 39:18, 40:17, 72:17, 77:4, 79:15, 106:14, 111:15, 112:3, 126:7, 162:15, 170:2, 177:21</p> <p>bylaws [2] - 136:1, 136:12</p> <p>bypass [1] - 173:7</p> <p>bypro [1] - 173:7</p>	<p>158:22, 158:25, 159:1, 162:1, 165:5, 165:7, 166:24, 173:25, 175:13, 175:14, 179:7, 183:11, 183:17, 193:20</p> <p>cases [4] - 155:25, 158:14, 167:9, 197:13</p> <p>cash [1] - 103:25</p> <p>causes [1] - 52:4</p> <p>caution [1] - 85:5</p> <p>CC&Rs [1] - 41:24</p> <p>certain [10] - 17:9, 32:3, 48:10, 108:20, 117:23, 134:21, 134:23, 135:5, 157:15, 172:15</p> <p>certainly [2] - 113:7, 199:12</p> <p>certificate [14] - 9:24, 16:22, 45:21, 75:4, 80:22, 100:1, 125:9, 131:10, 131:22, 170:22, 176:21, 176:23, 188:12, 201:6</p> <p>Certificate [1] - 10:1</p> <p>certificate of public convenience and necessity [1] - 90:16</p> <p>certificated [13] - 16:22, 16:23, 17:6, 17:7, 29:9, 77:9, 78:25, 81:12, 100:1, 105:18, 177:1, 177:3, 177:11</p> <p>certificating [1] - 29:15</p> <p>certification [5] - 70:1, 87:18, 187:23, 196:15, 196:16</p> <p>certified [2] - 145:14, 192:5</p> <p>Certified [1] - 192:8</p> <p>Certiorari [1] - 151:21</p> <p>certiorari [3] - 64:6, 95:13, 150:17</p> <p>chain [1] - 157:15</p> <p>chance [1] - 36:7</p> <p>change [6] - 45:24, 47:11, 78:5, 81:13, 81:14, 181:18</p> <p>changed [7] - 45:23, 62:15, 81:11, 81:21, 109:6, 144:19, 190:12</p> <p>changes [7] - 9:18, 9:21, 11:10, 57:8, 89:5, 123:24, 123:25</p> <p>changing [1] - 186:3</p>	<p>characterization [1] - 196:4</p> <p>charge [9] - 70:2, 109:25, 172:16, 175:19, 177:5, 181:11, 182:3, 182:4, 200:6</p> <p>charged [3] - 69:20, 103:14, 200:22</p> <p>charges [7] - 10:12, 10:13, 12:2, 12:3, 15:11, 15:19, 39:20</p> <p>Charles Lutton [1] - 115:22</p> <p>chase [1] - 190:1</p> <p>check [2] - 101:14, 124:18</p> <p>checked [1] - 23:4</p> <p>choice [2] - 46:17, 46:18</p> <p>choose [4] - 86:17, 139:21, 139:23, 200:7</p> <p>chooses [1] - 86:14</p> <p>chose [2] - 55:18, 55:22</p> <p>chosen [1] - 43:14</p> <p>circumstances [2] - 57:9, 144:9</p> <p>circumvent [3] - 80:23, 81:22, 153:2</p> <p>cities [2] - 29:19, 144:12</p> <p>City [13] - 29:23, 35:24, 36:1, 36:2, 53:5, 53:7, 112:9, 112:13, 144:6, 144:8, 144:13, 145:10</p> <p>city [4] - 31:23, 35:23, 35:25, 146:6</p> <p>claim [5] - 69:7, 70:7, 70:12, 185:7, 185:8</p> <p>claims [3] - 98:25, 100:2, 151:10</p> <p>clarification [17] - 6:14, 7:19, 12:11, 19:3, 37:13, 58:1, 71:9, 92:10, 93:4, 97:14, 138:3, 140:4, 149:9, 152:4, 172:1, 176:20, 177:13</p> <p>clarify [11] - 16:17, 23:13, 47:18, 56:12, 105:20, 123:20, 125:20, 134:15, 138:13, 153:24, 170:8</p> <p>Clarify [1] - 105:21</p> <p>clear [11] - 33:10, 73:6, 145:16, 147:9, 149:15, 157:19, 157:22, 158:18, 171:16, 189:16, 201:3</p>	<p>cleared [2] - 174:14, 198:13</p> <p>clearly [2] - 139:8, 172:14</p> <p>close [1] - 110:24</p> <p>closing [5] - 172:7, 187:6, 189:12, 193:12, 197:4</p> <p>closing argument [3] - 189:13, 189:19, 193:13</p> <p>closing arguments [1] - 195:13</p> <p>club [1] - 200:21</p> <p>clubhouse [1] - 40:5</p> <p>Code [1] - 150:21</p> <p>coffee [1] - 104:5</p> <p>collect [2] - 184:2, 184:3</p> <p>collected [2] - 78:14, 181:9</p> <p>collecting [1] - 190:10</p> <p>collection [2] - 109:3, 184:4</p> <p>collusion [1] - 152:17</p> <p>Colton [1] - 141:6</p> <p>column [2] - 179:15, 179:18</p> <p>coming [7] - 61:16, 68:12, 80:19, 105:9, 194:1, 194:4, 202:19</p> <p>comment [8] - 51:6, 131:13, 132:22, 156:11, 158:7, 189:18, 191:11, 194:19</p> <p>comments [8] - 85:6, 87:6, 88:9, 108:9, 124:19, 152:22, 161:21, 179:4</p> <p>Commi [1] - 75:25</p> <p>Commission [74] - 5:12, 5:13, 8:15, 8:19, 9:25, 13:2, 13:15, 14:2, 14:5, 16:16, 17:14, 17:19, 29:7, 30:13, 41:4, 55:18, 55:22, 55:24, 56:2, 56:4, 56:9, 58:17, 61:10, 61:12, 62:18, 66:19, 66:20, 67:19, 68:3, 68:12, 68:13, 68:17, 68:23, 69:6, 71:13, 71:20, 71:24, 72:6, 75:6, 83:20, 91:3, 96:13, 98:8, 98:22, 99:1, 100:5, 101:6, 101:22, 102:8, 102:11, 102:17,</p>	<p>122:6, 131:15, 161:19, 169:11, 169:18, 170:15, 170:18, 170:19, 182:1, 187:10, 187:22, 188:9, 192:7, 193:6, 194:16, 195:21, 196:20, 196:24, 199:23, 200:5, 201:4, 202:23, 203:1</p> <p>Commission's [8] - 5:9, 5:19, 58:18, 100:3, 195:22, 199:24, 200:1, 201:24</p> <p>Commission-controlled [1] - 122:6</p> <p>committee [1] - 185:25</p> <p>community [1] - 59:13</p> <p>companies [2] - 29:19, 49:24</p> <p>Company [16] - 9:25, 10:9, 11:23, 131:15, 131:19, 132:21, 134:16, 146:14, 170:17, 170:20, 170:21, 171:13, 171:23, 177:23, 195:13, 195:25</p> <p>company [3] - 45:3, 56:6, 125:13</p> <p>Company's [2] - 196:12, 196:13</p> <p>compatible [1] - 63:16</p> <p>compilation [1] - 27:17</p> <p>complain [1] - 110:3</p> <p>complete [2] - 13:3, 170:7</p> <p>completed [4] - 13:6, 121:19, 131:12, 171:3</p> <p>completely [2] - 23:23, 89:8</p> <p>completion [1] - 137:10</p> <p>complicates [1] - 169:2</p> <p>comply [6] - 51:22, 65:12, 66:4, 82:5, 99:7, 131:4</p> <p>concern [9] - 18:25, 21:11, 65:22, 69:3, 154:13, 165:1, 168:20, 190:7, 190:18</p> <p>concerned [6] - 29:18, 64:16, 80:2, 81:19, 166:24, 168:15</p> <p>concerning [1] -</p>
<p>C</p>				
<p>cancel [1] - 55:18</p> <p>cannot [10] - 29:20, 29:21, 41:23, 42:25, 54:14, 55:11, 83:1, 96:11, 100:6, 139:23</p> <p>Canyon [1] - 31:19</p> <p>capability [1] - 95:10</p> <p>care [4] - 81:9, 104:17, 104:18, 145:4</p> <p>careful [1] - 166:6</p> <p>carried [3] - 164:24, 166:15, 167:18</p> <p>Case [2] - 146:25, 149:21</p> <p>case [37] - 29:18, 62:1, 62:5, 62:8, 62:13, 64:7, 67:15, 68:2, 86:1, 86:4, 86:19, 90:2, 108:21, 123:13, 124:16, 144:11, 144:14, 145:10, 145:16, 146:13, 153:6, 158:18, 158:21,</p>				

<p>5:11 concerns [9] - 80:9, 80:11, 86:9, 117:20, 124:22, 144:22, 168:18, 176:8, 203:8 conclude [4] - 23:12, 24:14, 121:16, 125:4 concluded [2] - 121:17, 203:15 concludes [1] - 162:6 conclusion [8] - 21:6, 24:7, 39:9, 62:9, 81:16, 83:9, 131:14, 131:18 condition [1] - 74:24 conditions [2] - 73:1, 74:15 conduct [1] - 8:5 conducted [2] - 8:9, 195:24 confidential [1] - 9:16 confined [1] - 88:15 confirm [1] - 127:25 conflicting [1] - 188:1 confused [1] - 138:8 confusion [1] - 11:3 connect [1] - 74:6 connected [3] - 51:16, 118:6, 137:7 connection [22] - 16:1, 54:16, 55:1, 73:15, 74:17, 94:10, 94:21, 96:7, 98:15, 100:6, 115:5, 115:8, 116:4, 117:24, 120:22, 122:17, 122:18, 134:24, 135:23, 135:24, 139:11 Connections [1] - 96:5 connections [33] - 10:15, 12:5, 12:10, 12:12, 14:8, 14:10, 14:12, 14:13, 14:16, 14:18, 14:22, 15:8, 17:1, 17:3, 20:11, 20:12, 20:16, 38:2, 38:3, 39:5, 54:21, 54:23, 93:16, 93:19, 113:19, 132:15, 135:14, 135:21, 138:25, 163:10, 174:11, 176:12, 176:15 consequences [1] - 74:8 consequently [2] -</p>	<p>183:10, 189:1 Conservancy [1] - 137:9 consider [4] - 32:7, 101:1, 121:15, 203:1 consideration [2] - 135:17, 191:1 considered [4] - 81:5, 182:1, 192:12, 202:2 considering [1] - 81:5 consistent [1] - 182:5 construe [1] - 151:7 construed [4] - 189:6, 189:7, 189:9, 189:10 containing [1] - 177:25 contention [1] - 63:2 contest [1] - 91:10 context [3] - 21:12, 147:5 contiguous [2] - 120:17, 153:22 continue [9] - 18:18, 87:22, 116:22, 117:14, 139:16, 140:24, 145:9, 159:3, 194:9 continued [1] - 166:1 continues [2] - 145:5, 196:11 continuing [2] - 54:3, 151:22 contract [37] - 14:22, 15:8, 15:12, 15:13, 15:14, 15:15, 15:19, 18:4, 18:11, 18:13, 18:16, 18:20, 18:24, 19:6, 20:5, 20:6, 40:19, 49:3, 50:10, 50:13, 52:9, 57:16, 57:22, 58:2, 70:7, 70:14, 71:14, 71:17, 72:1, 94:9, 113:16, 135:11, 142:12, 161:18, 164:20, 167:1, 167:5 contract's [1] - 199:21 contracting [1] - 199:25 contracts [10] - 16:9, 20:15, 57:1, 57:3, 58:4, 58:9, 71:7, 108:10, 141:24, 151:8 contractual [3] - 62:11, 147:14, 165:25 contributed [1] -</p>	<p>123:4 control [3] - 29:9, 42:6, 112:8 controlled [2] - 122:6, 123:11 convenience [11] - 45:21, 75:5, 80:22, 125:10, 127:21, 131:10, 170:23, 170:24, 170:25, 188:12, 201:6 convenient [1] - 34:15 convey [1] - 193:23 conveyed [2] - 193:23, 193:24 copies [12] - 13:4, 19:20, 19:25, 28:11, 36:21, 118:10, 128:15, 134:5, 134:7, 178:11, 180:6, 191:4 Copy [1] - 192:8 copy [19] - 38:9, 40:19, 71:14, 76:6, 76:9, 82:1, 93:21, 133:20, 133:22, 134:20, 145:25, 153:20, 177:22, 177:24, 180:10, 180:14, 190:23, 192:6, 202:4 corner [2] - 31:18, 105:14 Correct [1] - 33:20 correct [86] - 17:16, 18:6, 18:7, 27:2, 27:3, 31:25, 33:19, 33:24, 34:2, 35:15, 35:16, 36:4, 36:9, 36:15, 37:6, 37:16, 37:19, 37:23, 38:7, 38:15, 38:16, 39:7, 41:18, 45:5, 45:22, 46:10, 48:4, 48:6, 48:13, 48:14, 48:21, 48:23, 49:7, 51:24, 55:4, 55:15, 55:16, 58:3, 60:13, 61:5, 61:6, 62:2, 64:8, 66:2, 70:6, 70:8, 72:24, 72:25, 73:4, 73:17, 73:21, 74:2, 74:5, 74:18, 75:7, 75:8, 75:11, 75:17, 76:3, 78:22, 79:1, 79:2, 79:5, 82:25, 86:25, 96:22, 100:15, 107:22, 110:10, 111:1, 111:21, 111:22, 119:24, 125:24, 125:25, 128:4, 130:16, 130:22,</p>	<p>138:16, 150:6, 167:22, 177:24, 182:8, 185:3, 185:10, 185:12 corrected [7] - 87:11, 132:1, 132:12, 132:13, 149:5, 149:10, 190:9 correcting [1] - 8:25 correction [5] - 11:2, 12:5, 26:18, 82:9, 131:25 corrections [2] - 8:12, 8:14 correctly [3] - 55:3, 88:23, 113:15 correspond [1] - 186:12 correspondence [2] - 183:18, 183:21 corresponds [1] - 101:4 cost [5] - 22:5, 112:20, 136:7, 152:23, 175:19 costs [6] - 35:3, 62:24, 63:24, 69:17, 70:3, 152:24 Council [4] - 35:24, 36:1, 36:2 Counsel [2] - 72:7, 97:25 counsel [19] - 7:9, 7:12, 45:20, 66:24, 67:4, 68:9, 79:21, 80:5, 80:14, 81:1, 81:7, 82:23, 83:23, 84:2, 84:7, 93:22, 96:19, 141:3, 141:5 counterclaim [1] - 151:13 counteroffering [1] - 185:7 Country [103] - 5:7, 5:20, 5:25, 6:10, 6:21, 6:23, 7:22, 10:2, 10:3, 13:12, 13:22, 14:1, 25:25, 26:1, 41:11, 41:25, 42:19, 43:7, 45:2, 45:9, 45:10, 45:17, 45:21, 46:4, 48:19, 49:10, 49:13, 51:17, 55:7, 55:19, 56:22, 63:6, 63:7, 71:3, 73:9, 73:18, 73:25, 82:25, 91:5, 96:5, 96:8, 100:14, 107:6, 108:23, 109:3, 113:21, 114:2, 114:12, 115:5, 115:20, 116:5, 116:10, 117:25,</p>	<p>118:25, 120:23, 124:11, 127:6, 131:10, 131:17, 131:22, 132:2, 134:17, 135:2, 135:6, 135:12, 135:20, 136:3, 136:6, 136:9, 136:17, 136:20, 136:21, 137:12, 137:21, 138:18, 138:24, 140:11, 140:16, 140:22, 141:3, 144:3, 144:16, 148:5, 148:13, 148:25, 151:9, 154:25, 156:17, 157:6, 157:7, 158:13, 163:13, 170:15, 171:1, 171:17, 179:1, 179:8, 182:16, 182:17, 197:7, 198:22, 198:23 Country's [1] - 57:24 county [4] - 190:22, 192:4, 192:6, 192:10 County [4] - 27:18, 78:1, 79:9, 190:23 couple [17] - 16:18, 17:24, 41:5, 41:10, 59:9, 73:7, 76:13, 77:5, 85:20, 92:11, 97:25, 126:3, 126:4, 129:13, 147:21, 153:10, 170:5 course [2] - 169:8, 169:9 Court [14] - 7:1, 64:2, 64:6, 67:11, 88:24, 95:13, 147:23, 150:18, 164:23, 164:24, 173:6, 187:20 court [13] - 63:12, 149:2, 161:23, 163:21, 163:22, 165:2, 165:5, 165:6, 165:7, 179:7, 183:7, 183:11, 193:6 courts [6] - 61:14, 68:19, 70:9, 70:11, 156:25, 175:15 covenants [7] - 41:19, 41:25, 47:3, 116:11, 116:12, 122:23, 123:10 cover [2] - 39:23, 41:25 covered [3] - 73:8, 177:10, 202:12 covering [1] - 122:14 covers [2] - 20:3, 20:8 CPCN [24] - 5:14,</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>5:21, 13:14, 14:2, 55:19, 61:11, 84:16, 85:4, 91:6, 94:24, 96:25, 97:19, 98:9, 98:24, 99:22, 99:25, 102:14, 102:20, 115:14, 115:25, 117:13, 121:15, 130:24, 168:12</p> <p>CPN [1] - 176:22</p> <p>Craig [3] - 5:24, 101:7, 173:22</p> <p>Crane [42] - 25:10, 25:12, 31:8, 39:13, 40:18, 43:17, 44:20, 46:5, 54:6, 54:8, 63:25, 67:5, 72:11, 79:16, 82:9, 84:1, 84:6, 91:24, 92:3, 92:15, 93:14, 94:5, 94:18, 95:6, 96:18, 97:2, 97:4, 98:1, 98:5, 102:4, 104:20, 104:25, 105:1, 110:17, 120:3, 152:14, 172:9, 175:2, 183:24, 184:14, 184:21</p> <p>create [1] - 27:18</p> <p>created [1] - 13:13</p> <p>creating [1] - 69:3</p> <p>critical [1] - 182:12</p> <p>critically [1] - 172:24</p> <p>cross [18] - 17:19, 44:11, 44:17, 44:21, 77:6, 86:7, 86:15, 91:25, 92:4, 92:17, 92:23, 97:2, 121:16, 121:23, 125:6, 145:7, 162:8, 178:14</p> <p>Cross [4] - 180:7, 180:9, 186:20</p> <p>CROSS [7] - 18:1, 39:17, 40:16, 111:14, 112:2, 162:14, 170:1</p> <p>Cross-1 [1] - 186:22</p> <p>cross-exam [1] - 97:2</p> <p>cross-examination [11] - 17:19, 44:17, 44:21, 77:6, 86:15, 91:25, 92:23, 121:16, 121:23, 125:6, 162:8</p> <p>CROSS-EXAMINATION [7] - 18:1, 39:17, 40:16, 111:14, 112:2, 162:14, 170:1</p> <p>cross-examine [3] - 44:11, 86:7, 92:17</p> <p>cross-examining [1] - 92:4</p>	<p>crowd [1] - 25:4</p> <p>crux [1] - 62:25</p> <p>culinary [3] - 135:4, 176:4, 179:10</p> <p>curiosity [1] - 38:8</p> <p>current [3] - 27:4, 52:14, 189:24</p> <p>customers [14] - 10:7, 11:22, 14:7, 14:8, 14:20, 16:5, 16:12, 39:5, 69:3, 132:14, 132:16, 132:18, 132:19, 188:8</p> <p>cut [2] - 126:17</p>	<p>100:13, 111:25, 114:23, 115:15, 115:24, 116:17, 117:10, 117:12, 117:22, 118:11, 119:5, 119:22, 121:4, 124:17, 125:15, 127:6, 128:16, 128:24, 129:3, 129:10, 129:19, 130:3, 130:10, 130:12, 131:24, 132:25, 134:11, 137:25, 140:4, 140:24, 142:3, 142:13, 142:20, 142:22, 143:8, 145:5, 145:8, 145:18, 146:12, 146:17, 148:16, 149:8, 149:25, 150:2, 152:5, 153:9, 153:15, 154:15, 154:21, 155:14, 156:8, 156:13, 157:8, 159:6, 159:9, 160:20, 161:11, 162:3, 162:10, 162:16, 167:15, 167:21, 170:3, 171:6, 173:12, 175:23, 177:22, 178:15, 180:19, 181:24, 182:6, 182:15, 184:7, 186:15, 186:18, 187:2, 187:5, 189:4, 189:17, 189:20, 191:11, 191:24, 193:7, 193:10, 197:8, 198:7, 200:19</p> <p>DANSIE [198] - 6:9, 6:16, 6:20, 7:6, 7:11, 7:15, 7:20, 17:24, 18:2, 18:25, 19:17, 19:19, 19:23, 21:7, 21:13, 21:23, 23:10, 23:13, 24:10, 24:13, 24:16, 28:23, 40:15, 40:17, 42:16, 43:3, 43:5, 44:9, 44:11, 44:18, 44:25, 45:25, 47:10, 47:16, 50:20, 51:3, 54:5, 76:6, 76:10, 76:12, 79:13, 79:15, 82:15, 82:18, 83:21, 84:13, 85:6, 85:12, 86:25, 90:5, 90:7, 90:19, 91:12, 92:1, 92:11, 92:25, 93:3, 94:16, 94:25, 95:3, 95:5, 95:18, 96:3, 96:17, 97:1,</p>	<p>97:12, 97:23, 112:1, 112:3, 114:16, 115:19, 116:1, 116:20, 116:24, 117:1, 117:4, 117:21, 118:12, 119:9, 119:19, 121:18, 122:2, 125:6, 125:8, 125:17, 125:20, 125:25, 129:1, 129:5, 129:9, 129:11, 129:13, 129:16, 129:21, 129:23, 130:15, 130:20, 131:4, 132:6, 132:8, 133:6, 133:10, 133:13, 133:15, 133:17, 133:22, 133:25, 134:12, 138:2, 138:4, 138:13, 138:16, 140:7, 140:9, 141:2, 141:14, 141:18, 141:21, 141:23, 142:4, 142:17, 142:21, 143:13, 143:16, 143:20, 145:2, 145:10, 145:19, 145:25, 146:13, 146:19, 148:18, 148:20, 148:23, 149:12, 149:14, 149:18, 149:20, 149:24, 150:6, 150:10, 150:13, 152:9, 153:10, 153:14, 153:23, 154:3, 154:24, 155:19, 156:5, 156:11, 156:14, 156:23, 158:7, 158:17, 159:12, 159:16, 159:19, 160:9, 160:15, 167:17, 167:24, 168:1, 168:4, 168:7, 168:10, 169:21, 172:3, 172:8, 173:15, 175:8, 175:21, 175:25, 177:2, 180:21, 180:24, 182:20, 183:9, 183:18, 183:23, 184:14, 184:18, 184:20, 185:4, 185:6, 185:12, 185:15, 185:22, 186:14, 187:7, 189:23, 192:13, 192:15, 193:1, 193:8, 194:11, 195:4</p> <p>Dansie's [7] - 54:23,</p>	<p>69:7, 70:7, 98:14, 98:25, 105:18, 189:5</p> <p>Dansie-3 [1] - 161:1</p> <p>Dansie-4 [1] - 161:13</p> <p>Dansie-5 [1] - 162:5</p> <p>Dansies [14] - 23:17, 50:1, 51:11, 57:9, 62:10, 80:24, 95:14, 99:23, 147:12, 151:11, 172:14, 177:6, 179:11, 179:12</p> <p>Dansies' [1] - 96:7</p> <p>Darrell Woolly [1] - 182:20</p> <p>data [2] - 177:22, 190:9</p> <p>data request [4] - 17:10, 18:21, 36:19, 37:10</p> <p>date [4] - 53:18, 67:23, 84:1, 114:1</p> <p>dated [10] - 15:8, 15:13, 39:3, 46:2, 72:19, 133:18, 140:11, 142:6, 146:25, 178:16</p> <p>dates [3] - 60:4, 83:3, 188:13</p> <p>dating [1] - 14:22</p> <p>days [2] - 142:7, 199:13</p> <p>deal [3] - 132:13, 183:5, 186:5</p> <p>dealing [1] - 61:13</p> <p>deceit [2] - 192:23, 193:18</p> <p>December [3] - 14:6, 56:1, 66:18</p> <p>decertification [1] - 87:18</p> <p>decertified [1] - 81:13</p> <p>decide [2] - 67:22, 195:14</p> <p>decided [2] - 68:2, 199:21</p> <p>decides [1] - 98:8</p> <p>decision [28] - 50:14, 50:22, 51:5, 59:8, 61:16, 62:9, 62:16, 62:21, 64:1, 68:8, 71:10, 80:24, 82:23, 84:7, 88:25, 95:25, 100:3, 102:14, 103:4, 131:6, 143:18, 147:12, 166:7, 172:13, 173:9, 183:14, 188:2</p> <p>Decision [2] - 146:24, 159:7</p> <p>decisions [7] - 7:1,</p>
D				
	<p>Dale Gardiner [2] - 173:17, 186:8</p> <p>damage [2] - 52:4, 151:11</p> <p>damages [1] - 151:12</p> <p>Daniel [2] - 111:2, 111:20</p> <p>Daniel Olschewski [4] - 14:15, 38:5, 111:18, 128:2</p> <p>Dansie [186] - 6:8, 6:11, 6:13, 6:22, 7:4, 7:9, 7:17, 7:19, 8:1, 10:16, 13:18, 14:16, 15:22, 16:19, 17:23, 19:2, 19:15, 19:18, 19:21, 19:24, 21:10, 21:21, 22:14, 23:11, 23:16, 24:8, 28:6, 28:22, 30:4, 35:7, 37:11, 40:13, 41:9, 42:14, 42:17, 43:16, 44:8, 45:1, 46:8, 47:14, 47:18, 51:2, 51:4, 51:6, 51:18, 52:25, 54:7, 54:11, 54:17, 58:2, 61:21, 62:23, 63:1, 63:5, 63:6, 63:7, 64:10, 65:7, 66:11, 68:2, 68:4, 68:25, 69:4, 69:12, 69:15, 69:23, 70:5, 70:17, 71:3, 71:4, 74:15, 74:16, 74:19, 76:9, 79:12, 82:13, 82:21, 83:9, 84:11, 85:10, 85:14, 86:3, 86:11, 86:17, 86:23, 87:24, 89:10, 93:14, 94:2, 94:23, 95:6, 95:17, 96:4, 96:11, 96:14, 96:18, 96:24, 98:11, 100:8,</p>			

<p>7:2, 23:25, 102:9, 102:10, 186:1, 194:15 decla [1] - 37:2 declaration [3] - 138:11, 143:21, 196:9 declarations [20] - 15:2, 20:20, 36:17, 36:22, 37:5, 38:17, 38:19, 46:1, 53:1, 111:16, 111:21, 127:9, 127:14, 132:23, 137:18, 142:5, 143:9, 143:18, 190:16, 199:13 declined [1] - 83:11 declining [1] - 77:19 dedicate [1] - 140:16 deed [2] - 21:3, 140:16 deeds [1] - 108:9 deem [2] - 7:13, 55:18 deemed [1] - 8:6 defer [1] - 67:3 deficient [1] - 29:4 define [1] - 60:4 defined [1] - 101:1 degree [1] - 193:2 DeHaan [5] - 33:3, 37:15, 53:17, 196:9 DeHaan's [5] - 34:16, 53:6, 143:24, 144:5, 146:8 DeHaans [1] - 36:7 Del Roy Taylor [1] - 49:8 delay [1] - 173:7 delineation [1] - 55:14 delivering [1] - 63:20 delivery [1] - 99:11 delve [1] - 84:24 demand [2] - 57:21, 69:21 demanding [3] - 63:1, 63:19, 69:16 demands [1] - 69:16 denied [9] - 64:6, 95:6, 95:9, 95:13, 96:7, 147:18, 150:17, 151:21, 192:22 deny [4] - 66:9, 163:15, 165:22, 187:22 Department [1] - 86:24 depicted [2] - 31:13, 32:6 DEQ [3] - 73:5, 86:24, 93:6 describe [1] - 94:2</p>	<p>described [1] - 148:15 description [13] - 20:2, 29:8, 29:13, 100:21, 100:22, 101:5, 101:17, 105:10, 105:12, 105:13, 138:24, 177:9, 201:24 descriptions [1] - 29:3 deserve [1] - 200:15 desig [1] - 171:13 designate [1] - 127:10 designed [3] - 73:24, 199:19 desire [5] - 46:21, 87:14, 99:2, 103:10, 103:18 desirous [1] - 135:3 desk [1] - 133:7 detail [3] - 44:1, 45:13, 94:4 details [1] - 158:12 determination [3] - 62:15, 169:18, 203:3 determine [1] - 18:14, 30:6, 48:3, 98:23, 141:25, 152:19, 153:6, 163:22, 175:13, 187:16, 191:9 determined [8] - 16:13, 34:25, 56:4, 81:24, 88:25, 149:2, 184:1, 195:25 determines [4] - 62:12, 147:16, 159:23, 160:5 developed [4] - 115:20, 122:11, 122:12, 124:6 developer [3] - 13:11, 42:22, 138:18 developers [4] - 20:1, 139:3, 139:13, 140:22 developing [1] - 13:12 development [5] - 113:11, 115:22, 116:14, 134:22, 134:25 difference [8] - 24:2, 41:10, 41:14, 51:19, 53:9, 116:13, 119:20, 123:12 differences [1] - 41:12 different [1] - 43:10,</p>	<p>49:17, 53:23, 56:18, 68:4, 73:14, 78:23, 88:2, 91:7, 181:18, 183:25 differently [1] - 68:16 difficult [2] - 101:18, 125:10 direct [1] - 20:24 DIRECT EXAMINATION [3] - 9:11, 25:19, 106:13 directing [1] - 85:1 directive [1] - 13:3 directly [3] - 86:4, 98:20, 162:1 director [5] - 26:13, 60:18, 60:22, 182:21, 184:15 Director [1] - 60:20 directors [24] - 26:23, 27:6, 35:3, 45:20, 46:16, 68:9, 80:4, 82:23, 83:23, 103:19, 118:17, 152:15, 156:18, 172:23, 173:16, 173:23, 181:7, 181:16, 181:18, 182:22, 183:24, 183:25, 184:24, 188:17 Dirt [1] - 107:16 dirt [3] - 34:11, 107:14, 107:15 dis [1] - 163:2 disagree [4] - 125:2, 158:17, 162:25, 163:2 disagreed [1] - 74:17 disagreement [2] - 84:21, 163:18 disbelieve [1] - 162:24 discontinue [2] - 97:7, 121:22 discontinued [1] - 97:21 discuss [2] - 91:4, 168:23 discussed [3] - 80:25, 103:3, 174:12 discussion [6] - 28:4, 77:21, 85:19, 90:7, 126:24, 134:9 discussions [3] - 81:6, 102:25, 186:7 dispute [6] - 87:25, 108:20, 126:16, 185:2, 197:7, 198:3 disputed [3] - 183:10, 183:11,</p>	<p>198:25 Disputed [3] - 179:7, 181:4, 183:6 disputes [3] - 67:16, 165:12, 199:25 disputing [1] - 185:11 dissolved [1] - 54:19 distinction [1] - 71:19 District [1] - 137:9 district [2] - 65:1, 146:5 District Court [7] - 67:17, 108:22, 109:8, 118:18, 150:15, 151:20, 164:23 districts [2] - 29:19, 145:13 divided [1] - 42:18 Division [7] - 5:12, 8:5, 8:7, 8:9, 8:11, 8:20, 8:21, 9:14, 13:2, 13:6, 16:3, 25:8, 28:5, 36:20, 37:11, 51:13, 56:14, 65:3, 65:5, 66:5, 66:7, 71:20, 71:23, 72:24, 73:5, 74:4, 79:4, 82:3, 87:12, 93:18, 93:23, 94:22, 98:19, 99:8, 115:10, 124:2, 128:16, 131:6, 131:9, 131:12, 131:14, 131:25, 149:10, 170:11, 170:13, 171:3, 174:3, 174:13, 176:6, 176:9, 176:14, 176:16, 177:23, 178:2, 178:3, 187:3, 188:14, 189:7, 189:11, 190:9, 191:22, 195:14, 195:24, 196:2, 196:10, 196:21, 200:6, 201:5 Division of public utilities [11] - 33:18, 39:2, 43:18, 86:2, 87:7, 90:20, 114:17, 119:10, 156:15, 170:10, 170:12 Division's [10] - 5:16, 9:15, 10:24, 91:1, 123:21, 170:4, 170:7, 178:6, 196:18 DNA [3] - 166:12, 167:1, 174:23 Docket [1] - 5:6 docket [4] - 5:15, 127:6, 158:21, 192:12 doctrine [2] - 150:24,</p>	<p>152:8 document [52] - 19:11, 43:21, 51:15, 76:7, 108:14, 118:9, 134:15, 134:19, 136:13, 138:6, 138:23, 139:7, 139:21, 141:1, 141:2, 141:12, 141:13, 142:14, 142:25, 145:24, 146:1, 152:1, 153:19, 154:7, 154:10, 154:20, 155:3, 155:10, 155:14, 155:15, 155:20, 155:21, 156:13, 156:24, 157:1, 157:6, 157:9, 158:14, 158:20, 160:3, 160:18, 161:23, 165:2, 180:15, 181:23, 181:25, 190:21, 190:24, 191:6, 192:1, 192:5, 192:11 Document [1] - 133:18 documentation [3] - 45:24, 51:17, 60:3 documentations [1] - 46:20 documents [26] - 14:25, 22:16, 23:17, 28:25, 29:13, 38:10, 42:6, 43:17, 44:3, 45:14, 119:10, 127:7, 129:20, 137:14, 141:21, 142:8, 145:22, 153:21, 153:22, 156:16, 161:3, 161:6, 162:7, 164:6, 182:10, 195:1 dog [4] - 197:20, 198:19, 198:20 done [23] - 8:8, 26:25, 27:1, 67:12, 68:22, 80:10, 80:22, 81:22, 100:21, 113:20, 113:22, 128:18, 139:18, 167:16, 167:20, 169:18, 174:1, 174:2, 174:8, 176:14, 179:23, 190:10, 200:23 door [2] - 87:11, 190:12 double [2] - 151:23, 187:21 Down [1] - 52:19 down [17] - 33:6, 35:9, 37:25, 38:3,</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>38:6, 52:19, 52:20, 52:22, 76:20, 105:3, 123:14, 126:22, 150:13, 157:14, 193:4, 201:10, 201:20 DPU [6] - 6:5, 180:7, 180:9, 186:20, 186:22 DPU's [1] - 6:5 draft [1] - 141:17 drinking [5] - 49:2, 51:22, 65:12, 126:12, 176:4 Drinking [17] - 51:13, 65:3, 65:5, 66:5, 66:8, 72:24, 74:4, 79:4, 82:3, 82:5, 93:19, 99:8, 174:3, 174:13, 176:7, 176:14, 176:16 drive [1] - 34:12 Due [1] - 179:15 due [1] - 179:18 dues [11] - 10:12, 12:1, 15:10, 15:11, 22:9, 22:10, 22:12, 22:13, 34:9, 137:21, 139:10 duly [8] - 9:4, 9:9, 25:12, 25:17, 106:9, 106:11, 130:12, 162:12 duplicates [1] - 127:16 During [2] - 14:1, 16:5 during [4] - 26:10, 59:22, 80:6, 80:14</p>	<p>effort [2] - 178:5, 178:6 egress [1] - 119:1 eight [2] - 13:19, 132:23 either [11] - 15:14, 26:11, 86:4, 115:5, 124:1, 169:16, 182:24, 187:4, 191:23, 198:8, 200:7 elaborate [2] - 102:15, 145:5 elaborating [1] - 104:21 elected [1] - 79:20 electing [1] - 46:16 elections [4] - 34:4, 36:8, 199:2, 200:10 element [1] - 102:7 elicit [1] - 30:8 elsewhere [1] - 64:16 email [2] - 37:12, 177:25 emotion [1] - 202:25 employed [1] - 9:14 encumbrance [3] - 150:25, 151:3, 166:7 end [4] - 13:16, 14:6, 74:9, 173:2 End [1] - 142:1 ends [1] - 195:7 enforce [1] - 166:4 enforceability [1] - 147:7 enforced [1] - 187:20 engaging [1] - 193:16 engineered [1] - 174:12 engineering [4] - 63:14, 69:25, 176:8, 176:13 ensure [7] - 99:9, 102:9, 103:9, 104:3, 104:8, 104:13, 104:17 ensures [1] - 26:24 entered [11] - 28:10, 84:17, 128:6, 128:8, 142:16, 152:1, 158:25, 160:25, 161:12, 180:22, 186:19 entirely [4] - 90:25, 157:19, 157:22, 168:8 entitled [8] - 62:10, 87:20, 147:13, 164:14, 164:21, 172:15, 175:16, 198:8 entity [4] - 91:5, 102:24, 114:8, 115:22</p>	<p>enuniated [1] - 88:5 Environmental [1] - 93:18 environmental [1] - 77:23 equal [2] - 56:7, 57:5 error [2] - 131:19, 153:20 errors [1] - 87:10 essence [2] - 89:18, 185:19 establish [4] - 35:24, 103:5, 118:15, 137:17 established [5] - 26:22, 35:14, 109:4, 136:2, 198:2 establishing [2] - 46:14, 46:15 Estates [13] - 5:7, 10:2, 45:22, 46:4, 48:20, 114:2, 116:5, 117:25, 131:11, 131:17, 144:16, 179:2, 182:17 Estates' [1] - 41:11 Esther [2] - 109:1, 139:5 Esther Beagley [7] - 20:7, 108:15, 108:23, 113:16, 118:18, 134:18, 138:20 estimate [1] - 60:5 evaluation [1] - 35:2 eventually [1] - 21:9 evidence [11] - 28:10, 128:6, 128:9, 142:16, 158:5, 160:25, 161:12, 162:4, 186:20, 201:3, 203:2 exact [1] - 155:1 exactly [6] - 6:15, 44:4, 59:18, 64:10, 188:13, 199:17 exam [1] - 97:2 examination [12] - 17:19, 44:17, 44:21, 77:6, 86:15, 91:25, 92:23, 96:19, 121:16, 121:23, 125:6, 162:8 EXAMINATION [10] - 18:1, 39:17, 40:16, 77:3, 79:14, 111:14, 112:2, 162:14, 170:1, 177:20 examine [3] - 44:11, 86:7, 92:17 examined [5] - 9:10, 25:18, 97:2, 106:12, 162:13 examining [1] - 92:4</p>	<p>example [1] - 48:11 excellent [2] - 128:23, 172:1 exception [2] - 67:25, 148:8 excess [1] - 181:5 exchange [1] - 18:12 exclude [1] - 122:13 exclusion [1] - 84:17 exclusive [2] - 136:22, 148:7 excuse [9] - 19:6, 22:4, 53:4, 63:6, 121:16, 131:9, 133:3, 145:13, 149:21 Excuse [5] - 52:14, 82:8, 83:3, 83:16, 145:20 execute [1] - 137:13 executed [3] - 15:1, 15:15 exem [1] - 16:5 exempt [5] - 56:8, 58:17, 88:18, 89:2, 89:3 exempting [1] - 61:10 exemption [13] - 5:14, 5:21, 14:4, 16:6, 16:7, 16:15, 62:14, 89:4, 90:15, 170:17, 196:12, 196:17, 201:5 exhi [1] - 127:23 exhib [1] - 154:14 exhibit [15] - 27:11, 28:9, 109:15, 127:18, 134:14, 137:16, 140:9, 142:15, 143:22, 143:23, 154:21, 155:14, 172:12, 178:14, 201:22 Exhibit [6] - 128:11, 161:1, 161:13, 162:5, 186:22, 202:8 Exhibit 1 [18] - 30:20, 30:25, 31:3, 31:5, 31:10, 37:25, 107:1, 107:3, 128:13, 133:2, 154:15, 154:22, 155:14, 156:9, 180:8, 202:8, 202:9 Exhibit 2 [2] - 93:7, 96:4 Exhibit 3 [3] - 127:24, 128:6, 159:6 Exhibit No. 1 [5] - 109:16, 128:9, 142:20, 142:22, 186:20</p>	<p>Exhibit No. 2 [2] - 128:10, 186:21 Exhibit No. 3 [5] - 146:23, 159:6, 160:20, 160:24 Exhibit No. 4 [2] - 148:3, 161:11 Exhibit No. 5 [1] - 162:3 exhibits [10] - 127:13, 129:2, 129:13, 159:4, 180:13, 191:5, 194:25, 195:1, 195:3, 195:7 axis [1] - 78:2 exist [1] - 100:2 existing [5] - 53:15, 54:16, 78:3, 148:10, 188:8 Existing [1] - 54:2 expected [1] - 36:12 expediently [1] - 187:22 expense [1] - 136:15 experience [2] - 29:6, 154:18 experienced [1] - 13:20 explain [10] - 21:23, 26:16, 32:4, 32:12, 51:8, 115:17, 121:20, 121:25, 179:22, 181:24 explained [2] - 147:10, 186:18 explanation [10] - 26:19, 48:2, 68:20, 71:11, 123:15, 124:15, 124:18, 125:8, 154:23, 175:5 exploitation [1] - 189:3 express [2] - 168:17, 168:18 expressed [3] - 10:7, 11:22, 132:20 extend [1] - 157:14 extending [1] - 196:22 extension [11] - 6:25, 7:3, 7:25, 10:19, 23:19, 84:5, 84:8, 96:9, 153:3, 164:25, 174:22 extent [2] - 86:17, 189:5 extenuating [1] - 144:9</p>
E				
<p>early [2] - 128:19, 132:4 ease [1] - 127:19 easement [1] - 136:22 easements [4] - 114:12, 114:21, 124:14, 148:11 easier [1] - 103:21 east [2] - 55:7, 100:17 economy [7] - 169:5, 173:3, 175:15, 183:12, 187:8, 187:11, 189:3 edge [5] - 136:19, 136:23, 136:24, 136:25, 137:1 effect [5] - 45:12, 69:11, 87:13, 88:16, 147:9 efficiently [1] - 169:7</p>				

F				
<p>face [1] - 198:1 facil [1] - 123:5 facilities [10] - 45:7, 45:16, 48:17, 122:4, 123:2, 123:3, 123:6, 124:10, 125:12, 125:14 facility [1] - 45:10 fact [16] - 8:8, 68:25, 74:22, 82:6, 98:23, 108:17, 110:15, 113:23, 118:6, 118:15, 120:2, 157:20, 175:2, 182:13, 191:8, 194:1 factor [1] - 101:9 facts [3] - 194:14, 194:15, 194:16 factually [1] - 198:2 failed [2] - 151:11, 151:12 fair [3] - 22:24, 67:5, 100:16 fairly [2] - 103:12, 104:14 familiar [8] - 31:8, 40:18, 43:17, 61:21, 64:2, 101:16, 107:4, 109:18 family [7] - 6:11, 6:22, 7:18, 7:21, 118:1, 126:9, 197:9 far [15] - 31:15, 53:7, 67:13, 74:17, 77:18, 77:23, 79:25, 81:20, 94:4, 98:15, 105:17, 115:16, 123:23, 168:15, 180:20 father [2] - 111:1, 111:21 favor [4] - 21:17, 68:2, 69:4, 106:7 February [4] - 14:3, 133:19, 140:15, 140:20 fee [24] - 23:6, 47:20, 48:4, 48:5, 48:10, 48:12, 48:14, 58:10, 77:16, 77:17, 115:5, 115:8, 116:4, 117:24, 118:4, 118:8, 122:17, 122:18, 135:24, 139:11, 181:9, 181:11 feelings [1] - 111:3 fees [30] - 12:2, 15:6, 15:9, 19:10, 21:24, 22:1, 22:17, 22:25, 39:20, 39:23, 40:1, 40:6, 40:7, 40:8, 40:9,</p>	<p>47:22, 47:23, 47:24, 48:8, 63:11, 68:10, 74:25, 108:20, 118:2, 119:12, 119:20, 119:25, 120:22, 190:4 feet [1] - 136:23 felt [5] - 68:13, 81:3, 102:13, 185:20, 199:6 few [9] - 16:17, 54:8, 102:13, 112:4, 144:9, 162:9 Fifty [2] - 83:7, 83:8 Fifty-one [2] - 83:7, 83:8 fight [3] - 68:6, 198:19, 198:21 figure [3] - 101:18, 179:17, 185:20 figured [1] - 105:16 file [5] - 16:6, 19:11, 67:18, 132:3, 183:7 filed [8] - 5:12, 8:21, 9:15, 13:24, 55:21, 66:17, 132:3 files [1] - 163:7 filing [6] - 8:11, 8:12, 8:16, 8:20, 10:25, 11:11 final [13] - 67:6, 147:3, 147:9, 183:14, 186:9, 186:10, 189:6, 189:7, 189:8, 189:9, 189:11, 192:16 Final [2] - 149:20, 150:1 finalize [1] - 194:10 finalized [1] - 125:24 finally [1] - 123:14 findings [5] - 24:3, 39:2, 87:7, 90:20, 91:8 findings of fact [1] - 56:20 Fine [2] - 92:11, 116:20 fine [17] - 24:10, 24:13, 31:1, 44:18, 74:11, 98:4, 116:20, 121:18, 121:21, 121:22, 122:24, 123:9, 129:8, 132:9, 143:20, 169:9, 195:18 finish [1] - 61:15 finished [1] - 92:17 fire [1] - 75:19 fire department [1] - 75:20 first [21] - 9:23, 37:14, 52:23, 64:21, 67:17, 76:14, 81:20,</p>	<p>88:21, 98:5, 113:13, 114:24, 114:25, 131:13, 140:12, 142:14, 153:16, 154:7, 170:6, 178:3 First [2] - 30:3, 106:23 Five [1] - 11:25 five [7] - 7:24, 10:11, 11:16, 35:1, 38:1, 38:3 fixated [1] - 164:17 fixation [1] - 164:13 fixtures [1] - 148:12 focus [3] - 95:22, 195:19, 197:17 focused [1] - 169:17 focuses [1] - 102:8 focused [1] - 85:2 folks [4] - 25:3, 36:5, 38:1, 76:1 follow [9] - 24:18, 24:20, 72:13, 76:13, 76:15, 104:23, 104:24, 126:4, 172:5 follow-up [4] - 72:13, 76:15, 126:4, 172:5 followed [2] - 18:17, 88:21 following [2] - 145:23, 201:23 follows [4] - 9:10, 25:18, 106:12, 162:13 Foothill [4] - 13:17, 13:20, 54:18 Foothill Water Company [4] - 13:13, 13:15, 13:25, 14:18 Foothills [2] - 114:2, 154:25 forgot [1] - 201:19 form [2] - 9:16, 58:5 forth [11] - 23:17, 41:22, 45:7, 46:5, 80:3, 108:21, 140:18, 158:10, 166:15, 174:13, 190:14 forum [2] - 95:23, 165:17 forward [19] - 49:4, 49:23, 53:14, 53:19, 62:10, 68:11, 81:9, 91:12, 99:9, 104:4, 104:9, 147:8, 147:13, 151:5, 173:5, 181:2, 181:14, 190:2, 197:22 fought [1] - 57:14 foundation [7] - 28:25, 30:1, 30:3, 145:1, 145:3, 146:2, 146:3</p>	<p>four [8] - 27:18, 27:22, 28:16, 127:13, 127:17, 172:21, 179:19, 179:20 frame [2] - 59:16, 61:7 free [30] - 36:14, 50:9, 50:11, 62:11, 62:22, 63:1, 63:4, 63:19, 69:16, 69:17, 70:12, 70:20, 86:19, 92:5, 95:15, 96:20, 97:4, 99:11, 99:14, 147:14, 147:15, 172:16, 175:18, 177:5, 182:25, 198:9 Free [2] - 175:18, 175:19 front [4] - 52:3, 133:2, 155:22, 157:11 frustrating [1] - 121:6 frustration [1] - 194:1 fulfill [2] - 137:14, 187:17 fulfilling [1] - 151:22 full [8] - 19:9, 19:14, 22:1, 22:9, 23:7, 122:14, 134:20 fully [2] - 148:14, 191:6 fund [1] - 104:1 funds [1] - 104:3 furnish [1] - 135:14 future [2] - 67:23, 155:16</p>	<p>49:18, 50:3, 51:7, 51:21, 54:24, 58:21, 79:6, 115:16, 161:4, 172:10 Gerald [3] - 135:11, 138:16, 139:13 Gerald Bagley [5] - 13:11, 20:6, 115:23, 116:5, 155:5 given [16] - 44:20, 44:22, 51:20, 68:25, 76:7, 86:12, 92:5, 98:10, 121:19, 123:23, 143:10, 168:17, 172:6, 172:7, 194:17 Given [1] - 147:17 glad [2] - 91:12, 96:17 gods [2] - 104:6, 104:7 gonna [55] - 24:9, 25:6, 25:7, 27:9, 27:10, 29:8, 30:18, 30:19, 33:5, 34:9, 36:10, 37:1, 39:1, 40:21, 41:1, 42:11, 43:1, 46:21, 47:6, 47:7, 47:10, 50:17, 52:25, 59:15, 61:14, 72:19, 79:24, 81:1, 82:15, 84:11, 91:13, 91:24, 92:15, 93:5, 95:19, 95:21, 96:10, 99:10, 102:22, 107:7, 115:16, 125:15, 130:17, 134:21, 156:8, 159:2, 175:12, 184:2, 184:7, 184:8, 186:9, 192:25, 193:10 governed [1] - 200:17 government [4] - 18:9, 64:18, 102:24, 112:8 governmental [1] - 146:6 grail [1] - 197:15 grandfathered [1] - 54:3 grant [3] - 90:22, 136:21, 201:5 granted [3] - 14:4, 188:9, 188:22 great [7] - 18:25, 128:5, 168:20, 190:7, 190:18, 191:14, 202:16 greater [1] - 196:22 greatly [1] - 131:2 Greg DeHaan [7] - 14:10, 15:16, 52:14,</p>
			<p>G</p>	

<p>53:3, 53:4, 128:3, 143:21 grin [1] - 110:5 gross [1] - 131:19 ground [1] - 20:9 grounds [1] - 144:25 group [5] - 18:3, 124:6, 172:22, 185:24 guarantee [1] - 167:24 guess [12] - 31:20, 37:21, 57:10, 95:10, 130:15, 139:22, 148:2, 153:25, 163:16, 198:9, 200:6, 200:8 guessing [1] - 58:14 guys [1] - 133:11</p>	<p>169:14, 176:18, 184:8, 194:5, 194:10, 198:12, 203:10, 203:15 hearings [4] - 175:12, 190:8, 194:13, 201:18 Heber [4] - 29:17, 144:13, 145:10, 146:13 held [4] - 28:4, 85:19, 126:24, 134:9 Helmut [2] - 111:1, 111:20 Helmut Olschewski [4] - 14:14, 38:14, 111:17, 128:2 Help [2] - 101:25, 102:17 help [15] - 7:6, 18:14, 21:19, 35:9, 56:12, 102:1, 102:17, 133:21, 134:12, 134:15, 138:13, 141:24, 145:23, 153:24, 203:7 helpful [8] - 69:10, 71:12, 105:20, 145:21, 162:2, 166:14, 184:9, 198:13 helps [1] - 72:20 hereafter [1] - 135:25 hereby [1] - 162:4 herein [1] - 134:19 Herriman [18] - 25:24, 29:23, 31:19, 31:21, 31:24, 53:5, 53:6, 53:8, 53:17, 64:25, 65:23, 106:18, 112:9, 112:13, 144:1, 144:6, 144:8, 146:9 Hi [106] - 5:7, 5:20, 5:25, 6:10, 6:21, 6:23, 7:22, 10:2, 10:3, 13:12, 13:22, 14:1, 25:25, 26:1, 41:11, 41:25, 42:19, 43:7, 45:2, 45:9, 45:10, 45:17, 45:21, 46:4, 48:19, 49:10, 49:13, 51:17, 55:7, 55:19, 56:22, 57:24, 63:6, 63:7, 71:3, 73:9, 73:18, 73:25, 82:25, 91:5, 96:5, 96:8, 100:14, 107:6, 108:23, 109:3, 112:4, 113:21, 114:2, 114:12, 115:5, 115:20, 116:5, 116:10, 117:25,</p>	<p>118:25, 120:23, 124:11, 127:6, 131:10, 131:17, 131:22, 132:2, 134:17, 135:2, 135:6, 135:12, 135:20, 136:3, 136:6, 136:9, 136:17, 136:20, 136:21, 137:12, 137:21, 138:18, 138:24, 140:11, 140:16, 140:22, 141:3, 144:3, 144:16, 148:5, 148:13, 148:23, 148:25, 151:9, 154:25, 156:17, 157:6, 157:7, 158:13, 163:13, 170:15, 171:1, 171:17, 179:1, 179:8, 182:16, 182:17, 197:7, 198:22, 198:23 Hi-Country [50] - 5:7, 5:20, 10:2, 13:22, 14:1, 41:11, 45:21, 46:4, 48:19, 51:17, 55:7, 55:19, 56:22, 63:6, 71:3, 96:5, 107:6, 108:23, 109:3, 113:21, 114:2, 115:5, 116:5, 116:10, 117:25, 118:25, 120:23, 127:6, 131:10, 131:17, 135:12, 135:20, 136:3, 136:21, 137:12, 138:24, 140:16, 140:22, 144:16, 148:5, 148:13, 154:25, 157:6, 157:7, 158:13, 171:1, 179:1, 179:8, 182:16, 182:17 Hi-Country Estates [32] - 6:10, 6:21, 13:12, 25:25, 26:1, 41:25, 42:19, 45:9, 45:10, 49:10, 49:13, 63:7, 73:9, 73:18, 73:25, 82:25, 96:8, 100:14, 115:20, 132:2, 134:17, 135:2, 135:6, 136:6, 136:17, 136:20, 138:18, 171:17, 197:7, 198:22, 198:23 Hi-Country Estates Homeowners Association [21] - 5:25, 6:23, 7:22, 10:3, 43:7, 45:2, 45:17, 91:5, 114:12, 124:11,</p>	<p>131:22, 136:9, 137:21, 140:11, 141:3, 144:3, 148:25, 151:9, 156:17, 163:13, 170:15 Hi-Country's [1] - 57:24 hide [2] - 191:12, 191:13 high [1] - 103:1 himself [4] - 7:17, 86:13, 132:25, 163:18 hired [1] - 173:22 historical [1] - 147:4 history [6] - 13:9, 62:7, 84:20, 113:10, 124:24, 202:24 HO [2] - 30:12, 103:20 HOA [72] - 26:3, 26:4, 26:11, 26:17, 26:20, 26:22, 26:23, 27:1, 27:5, 30:9, 31:3, 31:4, 31:9, 32:7, 32:10, 33:5, 33:8, 33:23, 34:14, 35:3, 35:4, 35:20, 39:9, 39:23, 40:2, 40:7, 40:8, 41:15, 41:17, 41:20, 41:24, 45:13, 46:12, 47:22, 48:18, 52:4, 52:8, 54:25, 57:12, 57:18, 57:25, 59:3, 59:24, 63:19, 64:21, 66:21, 67:18, 69:19, 70:4, 77:12, 78:13, 78:17, 78:21, 81:18, 93:6, 102:25, 103:12, 103:22, 104:16, 105:15, 107:3, 107:13, 110:7, 126:16, 128:6, 128:9, 132:2, 153:21, 202:2, 202:8, 202:9 HOA's [4] - 49:22, 67:7, 69:24, 85:3 HOA-1 [2] - 37:25, 128:11 hold [3] - 81:8, 87:25, 94:5 holding [1] - 64:11 Hollow [1] - 88:25 holy [1] - 197:15 home [1] - 200:5 Home [1] - 197:8 homeowner [3] - 22:8, 22:10, 22:13 Homeowner [1] - 47:19 Homeowners [4] - 5:7, 46:17, 79:18,</p>	<p>109:16 homeowners [7] - 39:19, 47:25, 99:10, 103:24, 104:18, 140:23, 165:4 homeowners association [61] - 12:1, 13:21, 13:22, 15:6, 15:9, 15:11, 19:8, 19:12, 20:10, 20:18, 21:25, 22:1, 22:16, 43:25, 46:25, 47:3, 47:21, 48:8, 48:9, 48:11, 55:20, 56:23, 58:17, 59:13, 62:16, 79:22, 80:4, 82:22, 83:22, 84:22, 86:1, 86:10, 86:18, 90:10, 107:21, 108:23, 112:25, 114:22, 122:20, 124:24, 127:24, 137:20, 139:10, 140:17, 148:5, 149:3, 157:7, 166:9, 171:14, 175:24, 176:9, 179:9, 181:1, 182:16, 182:21, 184:23, 186:4, 187:13, 188:5, 188:16, 192:21 homes [4] - 32:24, 75:20, 78:11, 114:25 hook [7] - 64:22, 64:25, 65:10, 73:3, 78:24, 82:4 Hook [1] - 66:11 hooked [1] - 73:11 hooking [1] - 64:20 hookup [8] - 64:18, 69:25, 77:16, 77:17, 82:4, 118:1, 118:4, 139:1 hookups [7] - 62:11, 63:14, 65:9, 75:22, 83:5, 135:21, 147:15 hope [2] - 173:5, 193:22 Hope [1] - 127:4 hoping [1] - 30:8 horse [1] - 33:14 horses [2] - 33:15, 33:16 house [7] - 52:20, 77:7, 78:3, 78:8, 94:14, 115:6, 116:3 hundred [2] - 179:11, 179:19 hydrants [1] - 140:18 Hymas [2] - 15:17, 53:16 hypothetical [1] -</p>
<p>H</p>				
<p>half [1] - 144:6 halfway [1] - 150:13 hand [7] - 9:3, 25:11, 51:18, 106:7, 129:2, 129:20, 129:21 handed [2] - 130:1, 130:2 handled [3] - 54:17, 87:5, 186:19 handwritten [1] - 179:3 happy [2] - 27:23, 76:9 hard [2] - 99:20, 117:6 hardly [1] - 153:14 hassling [1] - 68:22 HC [1] - 153:24 HC00549 [1] - 154:3 hear [7] - 7:5, 25:1, 35:7, 87:25, 89:17, 130:5, 153:14 heard [15] - 32:15, 33:17, 73:23, 108:8, 115:16, 162:19, 163:17, 165:9, 193:25, 194:17, 194:20, 196:5, 198:16, 203:8 hearing [38] - 5:6, 5:10, 7:7, 13:4, 44:19, 56:10, 62:5, 84:15, 85:21, 86:8, 87:17, 88:14, 88:15, 89:6, 89:15, 89:22, 89:24, 90:12, 90:13, 90:14, 96:1, 97:17, 97:22, 110:9, 125:1, 128:8, 139:23, 143:11, 151:22, 167:8,</p>				

98:7	154:13	interest [13] - 7:23,	91:18, 94:24, 95:22,	169:5, 173:3, 175:15,
I	Incorporation [1] -	13:17, 15:2, 49:22,	96:25, 97:7, 98:25,	183:12, 187:8,
<p>I. [1] - 145:1</p> <p>idea [2] - 83:8, 190:8</p> <p>identification [1] - 150:2</p> <p>identified [5] - 31:9, 86:3, 138:5, 157:11, 176:25</p> <p>identify [4] - 6:15, 6:17, 30:9, 37:2</p> <p>illustrative [1] - 30:16</p> <p>imagined [1] - 202:20</p> <p>impact [4] - 6:23, 81:14, 87:13, 87:17</p> <p>impediments [1] - 176:8</p> <p>important [27] - 18:14, 21:8, 29:17, 117:7, 121:20, 121:24, 122:2, 123:13, 124:16, 126:9, 135:15, 137:11, 151:2, 151:5, 151:14, 151:15, 152:23, 158:1, 169:2, 172:24, 195:19, 197:12, 197:17, 198:16, 198:18, 202:22</p> <p>impression [1] - 124:20</p> <p>improvement [3] - 29:19, 145:13, 146:5</p> <p>improvements [1] - 75:14</p> <p>inadvertently [1] - 170:5</p> <p>inappropriate [2] - 21:11, 193:16</p> <p>inasmuch [2] - 71:12, 157:13</p> <p>Inasmuch [1] - 186:16</p> <p>Inc [2] - 134:18, 140:22</p> <p>inch [2] - 75:18, 137:4</p> <p>include [5] - 14:8, 19:14, 39:20, 105:11, 202:1</p> <p>included [4] - 40:8, 100:20, 163:12, 202:10</p> <p>including [4] - 82:1, 124:12, 157:3, 200:19</p> <p>incomplete [1] -</p>	<p>136:12</p> <p>increases [1] - 99:11</p> <p>independently [1] - 21:16</p> <p>indi [1] - 47:24</p> <p>indicate [2] - 15:5, 20:11</p> <p>indicated [15] - 18:4, 19:4, 22:19, 45:1, 46:5, 46:8, 48:19, 79:16, 80:19, 93:23, 96:19, 119:22, 132:2, 163:7, 183:11</p> <p>indicates [8] - 19:12, 20:21, 44:6, 56:3, 132:9, 148:23, 154:15, 154:22</p> <p>Indicating [1] - 34:17</p> <p>individual [5] - 14:9, 15:12, 47:24, 75:23, 198:21</p> <p>individuals [10] - 49:24, 85:25, 90:1, 92:19, 103:22, 103:24, 104:15, 157:10, 157:16, 200:1</p> <p>information [27] - 8:10, 12:22, 13:8, 14:21, 16:3, 17:9, 29:11, 39:1, 46:3, 51:13, 71:22, 71:23, 85:8, 87:1, 119:12, 123:16, 124:2, 124:3, 154:20, 156:8, 161:23, 190:11, 196:3, 196:21, 196:23</p> <p>informations [1] - 115:11</p> <p>informing [1] - 67:19</p> <p>infrastructure [1] - 70:15</p> <p>ingress [1] - 118:25</p> <p>initial [2] - 116:14, 116:16</p> <p>input [4] - 85:23, 89:25, 194:20, 202:22</p> <p>inside [4] - 16:21, 16:23, 104:15, 171:10</p> <p>inspected [1] - 114:5</p> <p>install [4] - 113:18, 113:23, 136:16, 137:3</p> <p>installed [5] - 114:6, 118:7, 121:2, 134:24, 137:4</p> <p>instructed [1] - 8:5</p> <p>intend [1] - 132:3</p> <p>intended [1] - 203:9</p> <p>intent [1] - 68:21</p> <p>intents [1] - 63:9</p>	<p>149:1, 181:6</p> <p>interested [1] - 68:17</p> <p>interesting [1] - 157:9</p> <p>interests [4] - 6:11, 6:23, 49:21, 157:6</p> <p>interject [2] - 100:10, 121:4</p> <p>interpose [1] - 96:10</p> <p>interpret [1] - 189:12</p> <p>interpretation [2] - 50:23, 50:25</p> <p>interpreted [3] - 91:17, 168:9, 181:25</p> <p>interrogation [1] - 121:13</p> <p>interrupt [6] - 84:11, 92:9, 95:19, 131:3, 138:1, 148:17</p> <p>intervened [1] - 90:3</p> <p>intervenes [4] - 62:12, 147:16, 159:22, 160:4</p> <p>intervening [3] - 68:18, 86:5, 159:14</p> <p>intervenor [3] - 87:3, 156:16, 178:7</p> <p>introductions [1] - 8:3</p> <p>investigation [4] - 10:24, 131:11, 171:2, 195:25</p> <p>investigations [1] - 8:6</p> <p>invite [1] - 116:21</p> <p>involve [1] - 168:13</p> <p>involved [13] - 7:21, 26:11, 58:11, 58:15, 58:21, 68:8, 68:18, 79:17, 80:15, 81:2, 113:9, 197:13, 202:25</p> <p>involvement [2] - 154:25, 193:22</p> <p>involves [1] - 61:20</p> <p>involving [1] - 197:7</p> <p>irrelevant [1] - 50:25</p> <p>issue [71] - 8:22, 21:8, 21:15, 22:15, 30:1, 46:21, 59:19, 61:12, 62:25, 64:11, 64:17, 66:19, 66:22, 67:20, 67:21, 67:23, 77:18, 84:16, 85:2, 88:16, 89:4, 89:9, 89:15, 89:21, 90:9, 90:14, 90:23, 91:2, 91:3, 91:8, 91:16,</p>	<p>115:14, 115:25,</p> <p>116:1, 116:9, 116:18,</p> <p>117:18, 121:8,</p> <p>121:20, 124:25,</p> <p>125:3, 125:9, 131:2,</p> <p>134:15, 146:20,</p> <p>148:1, 149:9, 152:18,</p> <p>152:25, 153:1, 153:5,</p> <p>157:18, 160:12,</p> <p>161:17, 165:3, 166:2,</p> <p>167:5, 168:20,</p> <p>172:25, 176:21,</p> <p>182:25, 202:24, 203:1</p> <p>issued [18] - 5:18, 9:24, 10:5, 13:2, 13:3, 13:15, 14:2, 16:8, 45:21, 55:19, 56:11, 56:17, 64:1, 67:9, 71:10, 169:15, 170:17, 203:3</p> <p>issues [16] - 48:8, 54:3, 61:17, 61:18, 81:9, 85:21, 94:9, 95:24, 96:21, 98:14, 103:17, 127:7, 152:12, 169:19, 174:12, 187:24</p> <p>it'll [3] - 124:15,</p> <p>131:16, 192:12</p> <p>items [2] - 87:12</p> <p>itself [3] - 134:20, 152:2, 181:23</p>	<p>187:11, 189:3</p> <p>July [2] - 67:9, 146:25</p> <p>JUNE [1] - 5:1</p> <p>June [6] - 5:18, 13:2, 13:7, 13:14, 20:7, 142:6</p> <p>jurisdiction [18] - 53:13, 57:13, 58:19, 62:17, 112:20, 140:1, 152:20, 152:21, 159:15, 159:24, 160:8, 160:16, 165:15, 166:3, 188:22, 194:22, 195:22, 199:18</p> <p>Jurisdiction [2] - 5:9, 152:22</p> <p>justice [1] - 189:3</p> <p>Justin Jetter [1] - 6:3</p>
			J	
			<p>J.B [1] - 38:22</p> <p>jeopardy [2] - 151:23, 187:21</p> <p>Jesse Dansie [1] - 13:14</p> <p>job [3] - 190:10, 199:24, 200:1</p> <p>join [1] - 108:13</p> <p>Jonathan [2] - 38:24, 38:25</p> <p>Jonathan Beagley [2] - 14:12, 128:1</p> <p>Judge [4] - 82:18, 83:17, 85:15, 166:6</p> <p>judge [1] - 109:7</p> <p>judgment [5] - 83:16, 133:2, 147:3, 147:10, 175:18</p> <p>Judgment [5] - 148:2, 149:20, 150:1, 150:11, 150:14</p> <p>judgments [1] - 158:11</p> <p>judicial [8] - 55:25,</p>	<p>103:17, 127:7,</p> <p>152:12, 169:19,</p> <p>174:12, 187:24</p> <p>it'll [3] - 124:15,</p> <p>131:16, 192:12</p> <p>items [2] - 87:12</p> <p>itself [3] - 134:20,</p> <p>152:2, 181:23</p>
				K
				<p>keep [5] - 85:1, 131:1, 161:5, 169:5, 183:22</p> <p>Kennebecott [1] - 31:20</p> <p>Kenneth Bousfield [1] - 176:6</p> <p>kind [9] - 21:8, 30:13, 83:17, 107:13, 108:11, 130:5, 132:13, 193:15, 197:6</p> <p>kindly [2] - 121:10, 193:13</p> <p>knowing [3] - 81:18, 113:6</p> <p>knowledge [4] - 45:18, 74:19, 117:16, 164:12</p> <p>known [2] - 61:9, 81:19</p>
				L
				<p>lack [2] - 91:21, 192:17</p> <p>laid [1] - 137:8</p> <p>Land [2] - 14:9, 15:18</p> <p>land [11] - 17:2, 18:12, 40:20, 42:10, 43:11, 100:20, 116:8, 138:21, 151:4, 166:1, 188:25</p> <p>land's [2] - 100:24,</p>

<p>101:10 landowners [3] - 140:14, 140:21, 140:23 lands [1] - 202:1 language [3] - 157:24, 159:21, 160:4 large [5] - 27:10, 27:18, 65:2, 66:3, 200:11 Larry [3] - 108:23, 109:1, 118:18 Larry Beagley [9] - 14:11, 19:5, 20:7, 43:22, 108:15, 113:16, 128:1, 134:18, 138:19 Last [1] - 61:3 last [8] - 10:6, 11:21, 36:10, 51:25, 61:2, 95:21, 195:16 late fees [3] - 181:5, 182:5, 182:12 law [2] - 74:13, 74:14 lawsuit [1] - 13:24 lawyer [1] - 197:14 lay [1] - 30:3 layperson [1] - 62:20 leads [1] - 66:21 learned [1] - 10:24 lease [32] - 6:24, 7:2, 7:24, 10:19, 15:25, 23:18, 33:13, 61:20, 61:21, 61:25, 80:23, 81:23, 83:25, 84:4, 84:8, 94:20, 96:9, 96:21, 150:19, 150:20, 150:24, 153:2, 164:25, 165:22, 166:4, 168:19, 174:21, 177:3, 179:11, 181:8, 181:10, 187:17 least [5] - 29:13, 89:16, 155:10, 171:23, 198:13 leave [2] - 96:12, 201:18 led [1] - 67:16 legal [42] - 20:2, 21:6, 24:7, 29:12, 40:1, 40:7, 45:20, 48:9, 50:18, 50:20, 50:22, 51:14, 61:15, 61:17, 62:21, 64:6, 64:22, 64:25, 68:9, 68:11, 68:22, 79:20, 80:5, 80:14, 81:1, 81:7, 81:8, 82:23, 83:23, 84:1, 84:7, 96:19, 100:22, 108:5,</p>	<p>108:13, 137:14, 141:3, 141:5, 156:19, 182:24, 186:5 legally [1] - 200:15 letter [23] - 5:14, 5:21, 16:15, 51:11, 56:1, 65:4, 72:19, 72:21, 72:23, 82:1, 82:10, 82:14, 85:14, 86:24, 92:12, 93:6, 93:15, 93:21, 170:17, 176:7, 183:6, 196:12, 196:17 letters [4] - 69:21, 81:25, 93:17, 175:11 lie [1] - 175:9 life [1] - 197:18 lifted [2] - 84:18, 90:15 light [2] - 108:10, 123:25 Light [3] - 144:14, 145:10, 146:14 likely [1] - 23:2 limit [3] - 75:17, 92:6, 146:20 Limit [1] - 91:18 limitation [1] - 90:23 limited [9] - 16:8, 17:8, 56:15, 56:24, 89:22, 96:1, 125:22, 131:1, 147:4 limiting [4] - 90:7, 90:12, 90:13, 91:15 limits [2] - 31:23, 105:15 Linda [1] - 141:6 line [27] - 6:25, 7:3, 7:25, 10:6, 10:19, 23:18, 33:7, 33:11, 52:18, 55:6, 75:22, 84:5, 84:8, 94:20, 96:9, 113:18, 114:6, 136:16, 137:4, 137:7, 137:11, 153:3, 164:25, 166:5, 171:21, 173:3, 174:21 lines [14] - 55:8, 55:12, 73:24, 75:18, 77:25, 113:24, 114:2, 114:11, 114:20, 124:14, 125:12, 140:17, 148:9, 158:10 list [1] - 64:13 litigated [1] - 61:25 live [9] - 25:23, 32:24, 38:1, 47:20, 104:12, 110:24, 111:6, 163:19, 200:21 lived [4] - 26:1, 26:6, 79:16, 109:14</p>	<p>lives [5] - 38:4, 38:6, 38:15, 163:19, 198:21 located [7] - 25:24, 30:12, 31:13, 32:22, 37:24, 107:2, 148:13 location [3] - 18:12, 55:1, 109:15 look [18] - 37:24, 45:13, 46:19, 53:22, 60:3, 68:15, 70:19, 71:5, 76:19, 80:21, 100:5, 107:1, 114:18, 143:22, 154:8, 155:20, 161:7, 203:2 looking [5] - 38:10, 66:3, 105:10, 180:11, 197:22 looks [3] - 32:2, 157:21, 182:4 lost [2] - 167:10, 167:13 loud [1] - 7:5 low [1] - 103:2 lower [1] - 153:24 lunch [2] - 126:25, 127:5 luncheon [1] - 127:2</p>	<p>30:20, 31:2, 33:9, 93:5, 127:18, 148:2 marked [16] - 27:11, 28:10, 30:22, 30:23, 30:24, 32:2, 32:3, 32:11, 127:11, 127:13, 128:6, 138:21, 142:15, 150:1, 150:3, 202:8 marking [1] - 143:3 markings [1] - 128:14 Matter [2] - 5:7, 131:8 matter [12] - 5:18, 6:12, 56:2, 71:13, 80:3, 88:1, 151:5, 158:19, 158:24, 159:25, 160:8, 185:19 matters [1] - 48:9 mean [10] - 50:13, 52:2, 101:9, 102:18, 152:8, 158:25, 161:15, 164:18, 165:17, 167:17 meaning [1] - 56:22 means [6] - 21:24, 46:11, 46:12, 50:16, 67:22, 99:25 meant [1] - 152:10 meet [5] - 48:22, 49:2, 79:7, 176:16, 203:6 meeting [2] - 77:23, 79:8 meetings [7] - 34:22, 35:20, 46:13, 59:24, 120:4, 188:19 Melanie Reif [1] - 5:4 mem [3] - 12:7, 141:8, 198:4 member [34] - 6:11, 15:22, 18:10, 18:15, 34:19, 35:25, 58:24, 59:4, 59:13, 78:7, 78:9, 78:13, 87:15, 87:20, 89:1, 89:2, 107:24, 108:2, 119:6, 120:14, 139:20, 144:21, 162:20, 162:22, 163:3, 163:5, 163:9, 196:6, 196:8, 196:10, 198:23, 199:10, 200:10, 200:16 Members [1] - 168:7 members [75] - 6:22, 7:18, 7:21, 13:5, 14:23, 15:2, 15:4, 15:20, 16:4, 16:5, 16:12, 16:13, 19:10, 19:12, 20:22, 21:2,</p>	<p>22:3, 22:18, 22:25, 35:5, 35:17, 36:2, 39:5, 39:6, 43:14, 43:25, 47:23, 48:18, 56:6, 56:8, 56:25, 57:4, 69:19, 79:20, 86:10, 87:2, 90:12, 90:21, 90:22, 91:20, 91:21, 97:8, 103:1, 108:18, 109:5, 109:9, 116:10, 118:15, 118:20, 120:3, 132:16, 136:5, 137:20, 139:5, 139:9, 139:19, 139:21, 139:23, 141:25, 146:22, 163:23, 168:13, 190:13, 191:9, 194:18, 196:1, 198:4, 199:2, 199:16, 200:14 membership [25] - 10:8, 10:16, 11:23, 12:6, 12:7, 15:9, 17:8, 20:19, 23:6, 47:11, 78:17, 78:21, 90:9, 90:22, 123:7, 123:9, 132:17, 132:21, 134:16, 142:11, 146:21, 152:16, 163:15, 187:24 memberships [2] - 46:24, 90:9 memo [6] - 5:16, 8:21, 10:25, 11:6, 91:2, 132:3 Memorandum [2] - 146:24, 159:7 memorandum [7] - 9:15, 131:6, 147:12, 149:11, 170:4, 170:8, 172:13 memory [1] - 59:17 mention [1] - 66:22 mentioned [13] - 11:10, 55:17, 56:19, 64:12, 65:23, 85:3, 85:11, 102:5, 102:12, 140:10, 173:12, 186:18, 191:25 merely [1] - 118:14 met [3] - 73:2, 174:7, 182:22 meter [3] - 77:13, 77:14, 175:22 metered [1] - 83:10 meters [4] - 84:2, 118:7, 121:2, 172:18 metes and bounds [6] - 29:3, 29:7, 101:16, 138:23, 177:9, 201:23</p>	
		M			
			<p>main [3] - 34:8, 107:13, 151:25 maintaining [1] - 104:4 maintenance [5] - 22:5, 40:6, 48:16, 136:8 major [7] - 29:24, 46:6, 87:10, 87:13, 144:22, 165:1 man [1] - 7:18 Management [2] - 14:9, 15:18 manner [3] - 84:25, 157:14, 194:8 many-multi-year [1] - 197:7 map [2] - 27:10, 27:18, 29:1, 29:7, 29:12, 29:22, 31:9, 31:14, 32:1, 32:4, 32:8, 33:10, 101:1, 101:21, 107:4, 117:1, 128:14, 138:22, 143:22, 143:23, 201:21, 201:23 maps [5] - 27:17, 27:18, 29:5, 42:18, 201:25 March [1] - 14:2 mark [7] - 27:9,</p>		

<p>microphone [2] - 21:18, 35:9 mid-90s [2] - 26:8, 58:13 middle [1] - 199:25 might [12] - 7:20, 35:7, 47:16, 66:23, 68:4, 112:20, 121:4, 152:23, 158:20, 165:20, 167:22 mike [2] - 25:1, 41:8 million [8] - 52:3, 52:5, 95:15, 96:20, 97:4, 179:9, 179:12 mind [7] - 92:8, 98:1, 119:17, 152:21, 168:24, 197:16, 198:13 mindedness [1] - 197:10 mine [3] - 111:5, 178:23, 180:11 minimize [1] - 68:10 minute [9] - 27:8, 27:16, 47:16, 49:17, 76:10, 76:21, 82:19, 176:1, 201:11 minutes [1] - 153:10 mischaracterizes [1] - 42:12 misguided [1] - 97:16 misinformation [1] - 192:24 misrepresentation [1] - 175:9 misrepresentations [1] - 124:3 missed [1] - 11:18 missing [2] - 154:7, 195:10 misstate [1] - 138:18 mistreated [1] - 200:20 misunderstanding [2] - 30:4, 89:11 mixup [1] - 134:13 modifications [2] - 75:14, 123:19 modified [2] - 46:25, 132:18 moment [17] - 10:21, 11:15, 27:24, 66:12, 76:17, 84:12, 85:17, 94:6, 105:25, 119:14, 119:15, 126:23, 131:24, 176:25, 177:17, 189:8, 189:13 Monday [1] - 128:21 money [5] - 117:24, 122:8, 139:14,</p>	<p>152:23, 152:24 month [7] - 181:3, 181:4, 183:6, 183:19, 185:23, 186:11, 186:14 morning [4] - 5:3, 5:5, 87:11, 162:16 most [4] - 151:15, 197:17, 198:16, 198:17 mostly [1] - 77:21 motion [1] - 192:20 Mountain [1] - 74:10 move [2] - 24:22, 81:9 moved [6] - 58:20, 60:7, 78:3, 79:25, 81:20 moving [1] - 11:15 multi [1] - 197:7 Multiple [1] - 83:14 municipalities [3] - 29:20, 144:12, 145:12 municipality [5] - 53:12, 78:6, 146:6, 146:9 must [2] - 121:5, 147:3 muttering [1] - 132:25 mutual [1] - 188:15 mutually [1] - 108:25</p>	<p>nectar [2] - 104:6 need [32] - 21:14, 21:15, 22:11, 23:9, 69:2, 72:4, 73:2, 73:10, 73:13, 74:3, 75:14, 97:6, 97:12, 101:14, 101:20, 123:17, 129:14, 130:17, 149:16, 151:14, 153:11, 163:22, 169:6, 169:8, 169:19, 178:12, 178:13, 188:14, 189:10, 195:1, 198:10, 200:15 needed [5] - 34:14, 89:5, 92:10, 193:23, 199:9 needs [3] - 75:13, 186:17, 196:21 negotiated [1] - 20:6 never [5] - 15:3, 109:8, 112:16, 118:16, 165:2 Never [3] - 109:9, 109:10, 119:17 new [15] - 11:25, 15:15, 61:1, 73:16, 73:25, 74:3, 84:1, 160:12, 173:16, 173:23, 177:9, 181:17, 184:25 Next [3] - 37:20, 38:5, 94:13 next [10] - 10:14, 19:2, 38:13, 95:4, 135:18, 143:20, 148:1, 171:8, 172:22 nice [2] - 127:5, 203:11 nine [2] - 10:7, 11:22 nineteen [1] - 79:24 No. 1 [3] - 54:10, 63:5, 153:16 No. 15 [2] - 63:6, 71:1 No. 4 [4] - 149:25, 150:2, 150:4, 161:8 No. 5 [3] - 150:5, 150:6, 161:14 No. 9 [1] - 54:11 noise [1] - 21:19 non [6] - 56:25, 103:21, 116:10, 136:22, 199:10 non-exclusive [1] - 136:22 non-member [1] - 199:10 non-members [2] - 56:25, 116:10</p>	<p>non-paid [1] - 103:21 non-paying [1] - 103:21 None [1] - 161:10 none [2] - 70:4, 198:25 nonmember [6] - 10:15, 12:5, 12:10, 12:12, 16:12, 97:8 nonmembers [10] - 12:14, 14:8, 16:8, 47:19, 57:2, 57:4, 91:20, 139:25, 142:1, 190:13 nonpayment [4] - 83:12, 95:11, 175:6, 175:17 nonprofit [1] - 56:5 nonvoting [1] - 144:21 normal [2] - 19:10, 47:1 north [3] - 33:2, 136:19, 136:25 Nos [2] - 128:11, 186:22 notarize [1] - 154:10 notary [2] - 154:8, 154:9 notations [1] - 186:3 Note [1] - 196:13 note [3] - 46:1, 114:16, 138:12 noted [7] - 16:6, 124:22, 142:19, 143:17, 149:10, 171:13, 182:6 notes [1] - 97:3 nothing [4] - 80:12, 187:1, 187:2, 187:3 notice [8] - 8:16, 8:20, 11:9, 13:3, 55:25, 84:3, 88:14, 90:14 noticed [1] - 171:7 notified [2] - 91:2, 203:4 nowhere [1] - 201:1 null and void [1] - 118:19 nullify [1] - 140:20 nullifying [1] - 61:11 number [12] - 13:20, 16:8, 25:3, 56:24, 121:7, 139:8, 157:12, 182:5, 185:17, 190:13, 190:23 numbers [2] - 132:11, 164:10 numerical [1] - 179:17</p>	<p>numerous [4] - 18:11, 81:25, 113:19, 192:19</p>
<p>N</p>				
<p>name [19] - 5:3, 10:2, 13:11, 14:10, 15:13, 25:21, 25:23, 37:22, 45:8, 52:15, 105:23, 106:15, 106:20, 106:22, 106:23, 131:16, 171:1, 193:4, 193:8 named [2] - 149:6, 179:15 names [2] - 32:15, 177:4 narrow [1] - 117:18 natural gas [1] - 200:8 near [10] - 14:17, 16:1, 16:18, 17:1, 54:10, 144:1, 198:21 necessary [9] - 7:13, 8:6, 22:11, 29:14, 92:9, 93:24, 104:1, 137:14, 169:15 necessity [5] - 75:5, 125:10, 170:25, 176:23, 201:7 Necessity [1] - 10:1</p>				<p style="text-align: center;">O</p> <p>O-l-s-c-h-e-w-s-k-i [1] - 106:23 object [18] - 19:15, 24:6, 28:8, 29:11, 42:11, 43:1, 47:6, 47:7, 50:17, 61:12, 143:11, 143:13, 144:25, 156:8, 161:24, 180:25, 181:12, 192:25 objecting [1] - 115:14 Objection [1] - 21:5 objection [26] - 28:8, 28:22, 28:23, 29:24, 47:12, 65:24, 85:7, 93:10, 93:13, 96:11, 116:19, 128:7, 128:8, 130:1, 130:5, 130:8, 143:17, 158:20, 160:19, 160:22, 160:23, 161:15, 161:16, 180:13, 180:20, 191:22 objections [3] - 36:25, 156:21, 158:23 obligated [1] - 21:1 obligation [4] - 108:6, 108:13, 151:23, 187:16 obligations [5] - 81:23, 149:1, 153:2, 166:17, 174:21 observations [1] - 147:17 obtain [3] - 135:4, 156:12, 171:10 obtained [5] - 14:21, 16:4, 18:17, 156:14, 196:23 obtaining [1] - 37:5 obviously [5] - 75:12, 88:6, 154:10, 176:15, 199:22 occurred [3] - 13:10, 57:9, 62:7 offer [2] - 16:10, 146:23 offered [2] - 58:6, 130:6 offering [3] - 39:9, 102:5, 134:13 office [1] - 192:10 Office [2] - 6:3, 6:4 old [1] - 177:10</p>

<p>OLSCHEWSKI [1] - 106:8</p> <p>Olschewski [28] - 15:7, 37:20, 53:3, 105:23, 106:6, 106:9, 110:22, 111:10, 112:4, 117:22, 121:10, 122:8, 126:8, 126:21, 142:5, 162:17, 162:21, 163:3, 163:17, 164:4, 165:3, 165:20, 166:9, 196:5, 198:15, 198:18, 200:14</p> <p>Olschewski's [1] - 117:13</p> <p>Olschewskis [17] - 14:14, 20:13, 21:1, 22:8, 22:18, 32:15, 32:17, 32:18, 33:22, 36:6, 53:2, 53:7, 114:20, 137:17, 138:7, 138:9, 139:4</p> <p>Olschewskis' [1] - 20:16</p> <p>once [5] - 71:14, 78:8, 113:20, 160:1, 189:20</p> <p>one [89] - 10:21, 11:7, 11:15, 14:11, 14:17, 20:4, 25:2, 27:6, 27:15, 27:24, 28:2, 28:17, 28:20, 29:20, 29:21, 29:22, 35:6, 37:14, 37:20, 37:21, 38:5, 38:13, 39:16, 40:21, 40:25, 43:23, 62:4, 64:15, 65:11, 66:12, 67:6, 68:6, 74:15, 76:8, 82:8, 83:7, 83:8, 83:14, 85:17, 87:1, 87:25, 88:5, 92:16, 95:21, 101:5, 102:22, 104:9, 104:10, 105:5, 105:25, 111:13, 111:17, 115:22, 119:14, 121:7, 124:1, 124:6, 127:18, 129:16, 130:9, 131:24, 133:3, 133:6, 133:8, 133:9, 133:12, 133:13, 133:17, 138:1, 138:3, 145:18, 146:15, 147:19, 147:25, 169:24, 170:10, 172:20, 177:4, 177:10, 177:15, 180:12, 188:20, 189:18, 192:15, 194:20, 194:21, 201:18</p>	<p>One [10] - 14:11, 34:8, 37:20, 59:22, 95:15, 105:25, 111:17, 144:6, 145:20, 192:23</p> <p>ones [5] - 27:21, 44:4, 132:13, 149:4, 195:4</p> <p>open [1] - 95:23</p> <p>operate [1] - 26:24</p> <p>operated [1] - 80:13</p> <p>operating [1] - 169:7</p> <p>operation [1] - 166:1</p> <p>opinion [8] - 51:14, 57:23, 58:5, 67:11, 69:11, 88:3, 147:11</p> <p>opportunities [2] - 88:10, 121:22</p> <p>opportunity [27] - 23:24, 26:11, 27:25, 28:7, 44:14, 44:22, 86:13, 89:19, 92:3, 92:17, 92:18, 92:21, 115:17, 115:19, 117:15, 121:20, 123:20, 125:16, 128:24, 140:5, 143:10, 168:16, 168:17, 180:23, 181:24, 189:21, 196:22</p> <p>opposing [1] - 197:21</p> <p>Oquirrns [2] - 41:15, 43:9</p> <p>orange [3] - 32:12, 33:9, 143:23</p> <p>Order [4] - 150:4, 150:11, 150:15, 170:20</p> <p>order [21] - 9:25, 33:5, 51:16, 56:11, 56:15, 57:6, 61:10, 67:9, 131:9, 131:15, 133:24, 135:6, 150:15, 150:22, 152:7, 169:14, 170:18, 170:21, 201:25, 203:3</p> <p>order to show cause [10] - 5:11, 5:17, 8:4, 13:1, 84:15, 88:16, 90:8, 121:8, 125:22, 130:25</p> <p>ordered [2] - 173:2, 173:18</p> <p>orders [3] - 101:5, 147:22, 164:22</p> <p>organization [1] - 131:20</p> <p>orient [1] - 30:13</p>	<p>original [4] - 21:3, 42:21, 46:2, 113:15</p> <p>originally [3] - 10:4, 122:7, 141:10</p> <p>originals [2] - 36:20, 36:21</p> <p>otherwise [5] - 62:12, 147:16, 159:23, 160:5, 200:2</p> <p>Otherwise [2] - 28:8, 133:16</p> <p>ourselves [1] - 146:21</p> <p>outcome [1] - 175:13</p> <p>outside [39] - 16:21, 17:6, 17:7, 30:11, 31:23, 33:23, 34:11, 52:23, 55:1, 55:6, 55:7, 55:11, 57:16, 57:25, 63:8, 64:20, 65:16, 65:24, 71:1, 73:16, 73:25, 76:1, 78:24, 98:11, 98:13, 99:4, 99:24, 100:24, 103:6, 104:11, 104:15, 107:21, 118:5, 120:5, 132:24, 171:11, 174:10, 200:21</p> <p>overlap [2] - 29:20, 146:7</p> <p>overlooked [1] - 143:14</p> <p>overly [1] - 200:22</p> <p>owe [1] - 185:18</p> <p>owed [4] - 181:14, 185:21, 189:25, 190:6</p> <p>owes [1] - 179:9</p> <p>owing [3] - 182:10, 182:11, 182:13</p> <p>own [9] - 16:2, 54:13, 57:22, 65:1, 78:12, 126:13, 144:1, 201:2</p> <p>owned [9] - 45:7, 45:9, 45:12, 45:16, 46:5, 115:22, 135:7, 177:6, 184:12</p> <p>owner [5] - 78:15, 78:19, 148:7, 149:3</p> <p>Owner [1] - 135:1</p> <p>owners [5] - 36:18, 108:17, 136:14, 138:25, 155:16</p> <p>Owners [15] - 134:19, 135:3, 135:8, 135:10, 135:20, 135:22, 135:24, 136:5, 136:6, 136:15, 136:18, 136:21, 136:25, 137:5, 197:8</p>	<p>ownership [5] - 7:23, 123:2, 123:5, 125:14, 181:2</p> <p>owning [1] - 15:23</p> <p>owns [2] - 100:14, 151:4</p> <p style="text-align: center;">P</p> <p>p.m [4] - 127:3, 134:10, 189:15, 203:15</p> <p>packet [1] - 156:14</p> <p>page [11] - 27:16, 140:13, 149:22, 150:12, 150:14, 153:16, 153:25, 154:20, 155:22, 157:11, 180:15</p> <p>page 1 [2] - 9:22, 10:6</p> <p>page 2 [6] - 55:23, 56:3, 131:18, 148:18, 154:14, 154:21</p> <p>Page 3 [2] - 149:24, 150:13</p> <p>page 7 [3] - 147:1, 159:10, 159:11</p> <p>pages [2] - 27:22, 153:17</p> <p>paid [16] - 19:7, 19:8, 23:7, 58:10, 77:15, 103:21, 115:4, 116:4, 116:5, 118:1, 120:21, 122:8, 122:18, 139:14, 190:5</p> <p>par [1] - 148:19</p> <p>paragraph [6] - 9:23, 140:13, 147:1, 147:2, 152:6, 159:10</p> <p>Paragraph [1] - 148:20</p> <p>paraphrase [1] - 16:7</p> <p>paraphrasing [1] - 70:16</p> <p>parcel [2] - 43:24, 139:4</p> <p>parcels [1] - 43:12</p> <p>Pardon [3] - 35:6, 149:23, 170:20</p> <p>parent [1] - 45:3</p> <p>part [53] - 10:10, 10:24, 11:18, 11:24, 18:13, 20:13, 22:1, 22:20, 27:1, 31:12, 31:16, 33:13, 36:19, 41:15, 41:17, 44:7, 51:25, 57:11, 61:14, 63:17, 65:23, 66:4, 69:8, 69:9, 78:14,</p>	<p>78:19, 88:21, 88:22, 89:11, 91:1, 91:9, 91:11, 100:23, 112:13, 113:21, 118:19, 124:8, 134:22, 135:15, 151:15, 153:18, 153:24, 154:7, 158:21, 163:13, 166:12, 174:23, 175:9, 189:19, 192:12, 200:21</p> <p>participate [4] - 46:13, 78:13, 86:8, 109:2</p> <p>participating [2] - 194:5, 203:10</p> <p>participation [1] - 202:21</p> <p>particular [13] - 8:22, 51:9, 53:21, 56:20, 62:8, 86:9, 89:20, 95:24, 99:2, 102:18, 121:11, 127:8, 144:11</p> <p>particularly [1] - 93:23</p> <p>parties [22] - 5:18, 17:11, 17:15, 27:25, 37:11, 86:1, 86:4, 86:6, 90:2, 91:22, 109:1, 124:19, 137:13, 140:4, 147:6, 169:16, 186:25, 189:16, 194:4, 194:9, 203:4</p> <p>party [1] - 123:16</p> <p>parts [5] - 20:3, 23:20, 23:21, 23:22, 135:5</p> <p>party [3] - 88:6, 90:3, 99:23</p> <p>pass [2] - 76:20, 129:7</p> <p>passion [2] - 197:9, 202:25</p> <p>passionately [1] - 199:22</p> <p>past [2] - 29:6, 81:1</p> <p>pasted [1] - 27:22</p> <p>path [1] - 120:10</p> <p>paths [1] - 120:9</p> <p>patience [1] - 197:2</p> <p>patient [1] - 98:6</p> <p>Patricia E. Schmid [1] - 6:2</p> <p>pattern [2] - 192:23, 193:18</p> <p>Pause [7] - 66:15, 118:13, 119:16, 129:18, 133:5, 149:19, 177:19</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>paved [1] - 34:10 pay [44] - 22:3, 22:24, 23:6, 34:9, 36:12, 47:19, 47:22, 47:23, 48:5, 48:12, 48:18, 62:24, 63:13, 74:22, 75:14, 77:16, 78:12, 78:15, 82:7, 83:10, 109:12, 109:22, 111:7, 112:21, 113:3, 115:8, 118:3, 118:8, 119:4, 119:7, 119:13, 119:25, 122:17, 135:25, 137:21, 139:10, 139:11, 183:2, 188:3, 199:3, 199:4, 199:5 paying [18] - 10:11, 10:12, 11:17, 12:1, 12:3, 15:5, 15:10, 22:8, 22:12, 48:1, 57:5, 58:23, 83:11, 103:15, 103:21, 104:1, 135:24, 181:11 payment [6] - 74:20, 74:25, 108:20, 117:24, 135:22 payments [1] - 136:2 pays [1] - 119:6 pend [1] - 183:17 pending [7] - 67:8, 67:15, 99:1, 156:22, 173:24, 182:19, 185:20 people [37] - 7:24, 19:5, 23:7, 37:7, 43:13, 57:16, 57:25, 88:8, 90:10, 104:5, 104:12, 116:4, 117:6, 122:15, 123:4, 132:24, 137:17, 139:9, 139:16, 141:9, 141:25, 152:15, 154:3, 156:2, 157:5, 163:18, 188:2, 188:10, 188:16, 188:17, 188:23, 190:16, 194:19, 196:1, 198:4, 199:10, 199:22 people's [1] - 87:13 per [3] - 91:14, 95:15, 139:1 perfectly [1] - 64:22 perform [1] - 137:15 Perhaps [2] - 16:25, 69:8 perhaps [7] - 67:20, 86:11, 94:7, 117:18, 133:23, 161:22, 196:4 period [4] - 10:9,</p>	<p>59:22, 84:9, 180:25 permission [3] - 188:9, 189:11, 191:7 perpetual [1] - 116:8 person [6] - 73:15, 89:25, 94:12, 94:13, 125:12, 188:20 person's [1] - 146:11 personal [1] - 57:23 pertain [2] - 97:19, 153:18 pertaining [5] - 5:20, 85:8, 89:22, 106:18, 121:14 pertains [1] - 138:9 petition [1] - 147:17 petitions [1] - 190:15 ph [1] - 106:24 Phase I [14] - 10:4, 25:25, 41:25, 42:19, 55:20, 56:23, 58:18, 115:21, 120:23, 132:2, 138:19, 140:12, 148:14, 170:16 philosophy [1] - 183:25 picked [1] - 195:2 pipes [1] - 122:4 place [8] - 62:14, 68:1, 81:14, 94:11, 117:20, 171:24, 193:5, 200:25 placed [1] - 75:20 planning [2] - 38:9, 129:3 plat [3] - 27:17, 27:18, 32:7 pleasant [1] - 34:12 pleasure [1] - 203:6 plotted [1] - 101:21 ploy [1] - 166:16 plus [1] - 47:8 point [29] - 8:7, 11:16, 28:10, 32:2, 32:4, 36:11, 44:15, 55:13, 62:13, 69:8, 70:3, 77:15, 92:13, 101:10, 101:16, 107:1, 114:7, 118:9, 147:25, 148:1, 153:7, 159:2, 167:22, 169:13, 176:1, 197:14, 198:14 Point [1] - 74:9 pointed [5] - 24:11, 56:14, 109:15, 140:25, 183:24 pointer [1] - 117:5 points [2] - 54:16, 83:19</p>	<p>policy [4] - 150:20, 151:16, 152:12, 187:18 portion [3] - 69:15, 78:15, 179:14 portions [3] - 134:21, 145:22, 157:4 position [3] - 27:4, 168:15, 196:18 possible [5] - 11:5, 18:16, 76:13, 146:21, 153:11 possibly [5] - 124:3, 141:6, 149:7, 155:2, 175:9 potential [2] - 13:5, 67:20 power [1] - 151:7 Power [2] - 29:18, 146:14 Power Company [1] - 145:11 pre [1] - 174:8 preference [1] - 69:4 preparation [1] - 62:4 prepare [1] - 9:14 prepared [1] - 141:4 preparing [1] - 56:10 present [9] - 44:15, 44:16, 57:8, 60:14, 60:21, 89:12, 92:21, 112:14, 129:23 presentation [4] - 86:12, 91:11, 125:16, 125:22 presented [10] - 15:20, 18:20, 20:5, 35:4, 98:19, 111:17, 111:20, 172:11, 196:24, 203:2 presenting [1] - 29:5 presidency [1] - 83:22 president [15] - 27:6, 53:10, 60:23, 61:1, 61:3, 80:5, 80:7, 82:22, 94:18, 96:6, 156:18, 172:9, 173:16, 173:17, 186:4 presidents [1] - 172:23 presumably [1] - 66:21 pretty [3] - 109:18, 139:8, 198:2 previous [10] - 80:6, 83:22, 101:5, 140:21, 182:20, 182:22, 183:24, 184:22, 184:23, 186:7</p>	<p>previously [3] - 52:15, 84:17, 155:11 private [2] - 135:5, 199:25 privileges [2] - 168:2, 168:5 pro [1] - 199:19 pro se [3] - 7:10, 7:18 Prob [1] - 60:2 problem [5] - 72:5, 132:10, 141:18, 164:18, 191:20 problematic [2] - 157:17, 157:18 problems [4] - 13:20, 59:22, 69:5, 157:12 proceed [29] - 9:5, 9:20, 12:25, 28:9, 30:18, 42:15, 44:24, 44:25, 77:1, 81:3, 85:4, 86:21, 88:11, 89:23, 90:6, 92:8, 92:18, 93:1, 97:21, 97:23, 127:5, 128:25, 138:12, 140:8, 142:2, 146:18, 162:7, 189:22, 194:7 proceeding [2] - 88:11, 193:6 proceedings [3] - 164:3, 164:9, 194:22 Process [2] - 93:15, 96:5 process [8] - 85:22, 116:23, 132:15, 173:7, 186:5, 192:18, 196:22, 203:7 processes [1] - 95:15 proffer [2] - 119:9, 119:19 project [1] - 26:4 promise [1] - 202:3 promised [2] - 201:18, 202:7 proper [2] - 80:2, 110:20 properly [4] - 26:25, 96:12, 102:24, 110:19 properties [10] - 30:11, 34:15, 47:4, 53:21, 55:7, 116:2, 120:24, 122:20, 135:7, 177:6 property [56] - 15:17, 21:4, 33:11, 33:13, 34:14, 34:16, 37:17, 37:24, 41:20, 42:17, 49:9, 52:12, 52:13, 53:3, 53:4, 53:6,</p>	<p>53:16, 53:17, 65:15, 65:23, 65:24, 99:3, 100:14, 101:2, 105:18, 107:18, 108:17, 113:17, 115:20, 119:2, 120:18, 122:11, 122:24, 123:11, 135:10, 135:13, 135:22, 136:14, 136:18, 136:19, 137:1, 137:2, 139:1, 142:9, 142:10, 144:1, 144:2, 144:3, 144:5, 144:7, 144:9, 155:16, 155:17, 155:18, 163:8, 171:9 proportion [1] - 22:22 Proportionate [1] - 22:4 proportionate [2] - 22:5, 22:22 proposed [2] - 29:2, 144:16 prorated [12] - 10:12, 11:17, 12:1, 15:5, 15:10, 19:9, 21:25, 22:4, 22:19, 22:23, 23:1, 23:5 proration [1] - 22:20 protect [2] - 199:19, 200:2 protected [4] - 57:18, 99:10, 200:4 protection [4] - 110:12, 165:16, 199:8, 200:16 protections [1] - 165:14 proves [1] - 141:1 provide [38] - 12:23, 19:24, 34:7, 38:9, 41:3, 49:15, 50:1, 53:13, 53:20, 54:11, 63:14, 69:24, 72:4, 84:7, 86:7, 87:16, 95:14, 103:7, 128:15, 144:8, 144:10, 146:11, 165:16, 174:17, 176:10, 180:14, 188:7, 189:2, 189:8, 192:5, 196:22, 201:10, 201:23, 202:4, 202:7, 202:9, 202:13 provided [27] - 18:5, 18:9, 18:11, 18:24, 33:25, 37:9, 40:22, 41:2, 46:20, 48:1, 50:6, 53:2, 62:23, 70:20, 71:22, 71:23,</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>71:25, 82:1, 82:7, 91:14, 113:13, 114:22, 124:7, 156:16, 173:1, 177:5, 181:9 provides [4] - 34:10, 34:13, 97:3, 161:22 providing [12] - 51:8, 53:11, 63:23, 64:17, 69:12, 72:6, 84:4, 98:20, 145:14, 162:2, 174:14, 176:19 provisions [1] - 83:24 PS [1] - 82:3 PSC [16] - 33:5, 54:20, 57:19, 62:12, 81:3, 81:10, 102:24, 147:15, 151:7, 159:14, 159:22, 159:24, 160:4, 166:10, 166:23, 166:25 PSC's [3] - 57:13, 150:22, 152:6 Public [4] - 10:1, 115:10, 122:5, 170:24 public [30] - 16:10, 33:15, 39:10, 48:21, 49:14, 49:18, 50:3, 51:7, 51:21, 57:15, 75:5, 76:2, 85:24, 88:8, 89:25, 98:21, 144:11, 145:13, 146:4, 150:20, 151:16, 152:12, 170:25, 172:11, 176:23, 187:18, 199:16, 200:2, 200:14, 201:6 public hearing [5] - 85:23, 87:3, 88:8, 89:14, 89:24 public interest [11] - 57:23, 63:22, 99:13, 102:6, 102:7, 102:10, 102:12, 102:14, 102:19, 103:16, 104:11 Public Service Commission [36] - 5:5, 29:10, 67:14, 80:20, 91:19, 110:8, 110:16, 112:19, 113:6, 131:7, 131:21, 139:24, 139:25, 145:11, 146:10, 146:14, 147:24, 152:19, 153:4, 160:7, 160:10, 160:12, 165:15, 165:21, 167:6, 170:14, 173:8,</p>	<p>174:18, 187:14, 189:2, 194:13, 194:21, 198:11, 199:17, 199:18, 200:17 pulled [1] - 33:4 pump [1] - 63:10 pun [1] - 203:9 purchase [5] - 19:25, 20:23, 21:2, 77:7, 108:10 purchased [6] - 15:16, 19:13, 113:17, 118:1, 120:24, 138:20 purchasers [2] - 139:3, 139:5 purchasing [1] - 135:9 purport [4] - 141:1, 141:2, 157:15, 171:22 purportedly [1] - 157:10 purporting [1] - 157:13 purports [1] - 141:8 purpose [12] - 30:5, 30:15, 30:21, 46:16, 80:19, 110:6, 110:9, 118:25, 137:16, 139:12, 144:22, 172:25 purposes [8] - 30:16, 63:9, 100:2, 102:8, 122:14, 126:12, 147:19, 184:8 Pursuant [1] - 13:1 pursuant [4] - 5:17, 10:19, 16:9, 56:25 pursue [4] - 18:18, 21:15, 22:9, 182:24 pursuing [1] - 13:19 put [23] - 33:7, 35:2, 68:1, 77:25, 81:6, 86:11, 86:13, 86:15, 91:10, 92:13, 92:19, 122:5, 122:7, 125:16, 141:10, 153:25, 168:23, 182:18, 183:16, 188:17, 194:20, 197:10, 198:9</p>	<p>125:23, 125:24, 155:8 questions [62] - 16:17, 17:19, 17:21, 17:25, 21:22, 23:12, 24:15, 24:19, 34:18, 39:12, 39:15, 40:14, 41:6, 41:10, 42:15, 43:6, 44:15, 44:22, 44:23, 47:15, 54:5, 54:9, 72:11, 72:13, 76:4, 76:13, 76:16, 77:5, 77:6, 79:11, 85:1, 85:8, 87:23, 92:2, 92:3, 92:12, 97:19, 98:1, 104:22, 111:10, 111:12, 112:4, 117:12, 123:20, 126:2, 126:4, 140:6, 142:24, 145:6, 153:15, 154:6, 159:3, 160:17, 161:2, 161:15, 162:9, 168:13, 169:23, 172:4, 172:6, 177:14, 198:5 queuing [1] - 67:23 quick [1] - 105:22 quickly [2] - 11:16, 11:18 Quiet [1] - 150:3 quiet [3] - 133:24, 158:9, 163:11 quieted [6] - 124:9, 124:10, 148:24, 157:3, 163:12, 188:6 quite [1] - 167:21 quoting [1] - 55:23</p>	<p>102:23, 103:1, 103:2, 103:5, 103:6, 103:20, 110:18, 112:19, 112:22, 112:24, 188:18 Rather [2] - 92:2, 130:21 rather [3] - 11:16, 22:22, 28:16 re [5] - 65:10, 69:24, 125:9, 185:13, 192:21 re-hook [1] - 65:10 reach [1] - 135:6 read [36] - 11:22, 12:12, 23:19, 23:20, 23:21, 23:22, 33:18, 38:17, 62:19, 62:21, 64:16, 67:13, 70:13, 71:10, 97:6, 132:1, 134:21, 135:19, 145:17, 146:16, 147:1, 150:10, 150:18, 158:11, 159:10, 164:6, 164:10, 167:10, 170:6, 170:9, 170:12, 178:24, 179:3, 179:17 reading [4] - 105:22, 145:22, 152:6, 175:22 reads [2] - 12:4, 12:5 ready [4] - 9:2, 30:3, 127:5, 195:12 real estate [6] - 19:25, 20:23, 21:1, 108:14, 113:16, 135:10 realize [4] - 21:7, 57:12, 117:4, 188:20 really [17] - 11:18, 23:5, 25:1, 28:24, 30:15, 48:3, 60:3, 101:23, 107:4, 118:3, 118:4, 121:3, 145:21, 157:25, 177:8, 186:17, 198:3 reapply [2] - 9:25, 170:21 reason [18] - 5:10, 16:14, 18:8, 43:5, 43:13, 55:22, 68:5, 71:15, 85:9, 90:25, 91:10, 92:7, 121:11, 139:25, 151:17, 162:24, 187:13, 198:17 reasons [6] - 5:15, 34:8, 85:11, 102:22, 158:5, 183:9 reassessment [2] - 195:22, 196:14 Reassessment [1] - 5:8</p>	<p>rebuttal [1] - 153:11 receive [24] - 19:19, 23:18, 49:9, 49:13, 51:6, 77:10, 91:22, 109:11, 120:12, 120:22, 122:8, 122:16, 122:21, 137:21, 141:9, 144:2, 172:18, 173:1, 173:4, 173:10, 174:9, 178:1, 178:4, 181:10 received [29] - 17:11, 18:3, 19:6, 22:16, 46:2, 72:23, 87:2, 120:22, 122:15, 123:18, 123:19, 128:11, 153:21, 161:1, 161:13, 162:5, 177:22, 177:24, 177:25, 178:2, 179:5, 185:10, 185:13, 185:17, 185:22, 186:10, 186:23, 190:15 receiving [16] - 15:19, 18:15, 63:19, 64:11, 90:11, 93:21, 94:13, 94:17, 94:19, 103:13, 103:14, 157:5, 173:20, 184:17, 185:21, 199:16 recent [4] - 7:1, 66:20, 66:23, 146:15 recertification [1] - 144:16 recertified [1] - 149:7 recess [5] - 76:24, 126:25, 127:2, 134:10, 189:15 recognize [4] - 72:20, 178:18, 178:20, 180:1 recollect [1] - 69:22 recommend [2] - 136:9, 196:11 recommendation [11] - 5:11, 9:23, 13:4, 33:18, 33:21, 61:15, 123:21, 123:22, 131:8, 196:2, 201:4 recommendations [1] - 91:19 recommended [1] - 196:11 recommending [1] - 5:13 recommends [3] - 131:14, 170:11, 170:13 reconnect [2] -</p>
	<p>Q</p>	<p>R</p>		
	<p>Quality [1] - 93:18 quantities [2] - 65:2, 66:3 quarter [1] - 75:18 Questar [3] - 200:3, 200:4, 200:6 questioning [5] - 97:21, 115:18,</p>	<p>raise [4] - 9:2, 25:11, 106:7, 130:11 Randy Crane [5] - 25:5, 25:6, 25:16, 25:23, 141:5 range [2] - 26:9, 104:11 rate [5] - 89:5, 99:11, 103:13, 167:7, 200:6 rate case [3] - 89:6, 167:22, 174:24 rate increase [1] - 69:2 ratemaking [2] - 151:8, 153:6 ratepayers [1] - 69:13 rates [21] - 34:24, 35:5, 35:14, 35:18, 35:25, 46:15, 56:7, 57:5, 87:19, 88:17,</p>		

<p>51:12, 65:10 reconnected [3] - 51:8, 172:18, 172:20 reconnection [1] - 83:24 record [33] - 7:16, 25:22, 27:12, 28:2, 28:4, 46:1, 69:8, 69:9, 85:16, 85:18, 85:19, 93:8, 100:23, 105:24, 106:16, 126:23, 126:24, 128:13, 132:9, 134:8, 134:9, 149:15, 151:24, 153:3, 154:19, 170:8, 171:12, 189:14, 189:18, 189:21, 201:14, 202:10 recorded [24] - 133:17, 134:15, 136:13, 139:7, 139:21, 142:8, 153:19, 154:11, 154:16, 154:17, 154:22, 155:2, 155:10, 155:20, 155:21, 156:2, 157:24, 188:4, 190:21, 190:24, 191:7, 191:14, 191:15, 191:18 recorder [3] - 97:6, 192:4, 192:6 recorder's [1] - 192:10 recording [4] - 139:7, 154:19, 190:23, 191:6 records [4] - 15:5, 20:10, 114:18, 191:5 recovered [1] - 94:3 RECROSS [3] - 77:3, 79:14, 177:20 RECROSS-EXAMINATION [3] - 77:3, 79:14, 177:20 redact [2] - 10:17 Redacted [1] - 8:18 redacted [1] - 9:16 REDIRECT EXAMINATION [2] - 72:16, 126:6 reelected [1] - 59:10 refer [6] - 13:22, 13:23, 27:12, 138:7, 145:21, 182:3 reference [3] - 66:20, 146:2, 146:13 references [1] - 26:17 referencing [1] -</p>	<p>10:15 referred [6] - 32:14, 36:22, 62:1, 66:17, 108:15, 169:4 referring [10] - 17:10, 54:15, 54:22, 58:2, 93:8, 94:12, 133:21, 171:7, 175:5, 176:23 refers [1] - 138:6 refund [1] - 183:3 refused [3] - 64:7, 65:13, 74:22 regard [22] - 16:18, 18:3, 22:15, 29:15, 43:11, 80:3, 87:7, 87:8, 87:12, 87:17, 91:20, 92:12, 93:14, 93:19, 93:22, 131:5, 132:22, 132:23, 164:24, 174:4, 190:12, 191:1 regarding [4] - 7:2, 23:25, 89:9, 127:7 regards [1] - 14:20 regranting [1] - 125:9 regular [1] - 74:25 regulated [9] - 110:8, 110:16, 110:19, 118:5, 121:3, 125:13, 146:4, 164:19, 171:24 regulation [12] - 14:4, 16:16, 56:9, 112:21, 113:5, 152:24, 165:19, 166:14, 166:23, 188:14, 199:8 regulations [1] - 66:6 rehash [1] - 149:17 rehearing [1] - 147:18 Reif [1] - 83:17 reimburse [1] - 139:15 reinstated [7] - 5:14, 10:1, 82:24, 98:8, 131:9, 170:22, 201:6 reinstated [17] - 5:21, 14:17, 75:5, 83:5, 84:16, 85:4, 90:17, 91:6, 91:21, 94:10, 98:24, 99:22, 100:5, 102:15, 168:12, 176:22, 192:22 reinstatement [2] - 87:9, 131:21 reinstating [2] - 80:21, 102:19</p>	<p>reiterated [2] - 89:16, 121:10 relate [2] - 125:1, 164:9 relates [1] - 124:25 relating [1] - 117:13 relationship [1] - 26:19 relative [2] - 20:11, 20:12 relax [1] - 25:9 relevancy [1] - 161:16 relevant [9] - 29:12, 98:10, 98:14, 98:25, 100:2, 100:8, 115:13, 121:25, 122:3 relied [2] - 156:25, 157:2 remain [1] - 12:8 remained [1] - 13:19 remaining [3] - 10:10, 11:24, 132:18 remember [11] - 43:23, 44:4, 59:17, 59:21, 93:25, 114:8, 118:5, 151:2, 162:21, 163:25, 175:1 Remember [1] - 163:23 remind [4] - 59:25, 84:14, 116:22, 125:21 removal [3] - 39:24, 40:7, 48:17 removed [5] - 10:18, 12:8, 83:11, 84:2, 95:10 render [1] - 139:25 rendered [1] - 136:9 renew [2] - 181:22, 182:14 repeat [1] - 187:7 rephrase [1] - 51:1 REPORTER [1] - 52:21 reporter [4] - 106:21, 128:15, 195:7, 202:9 reports [1] - 26:23 represent [2] - 6:4, 182:10 represented [3] - 7:9, 7:11, 155:11 representing [6] - 6:9, 6:11, 6:15, 6:19, 7:17, 154:17 represents [1] - 143:24 Request [1] - 5:8 request [28] - 5:19, 19:25, 23:17, 43:19, 50:1, 58:16, 64:11,</p>	<p>65:21, 66:8, 66:11, 87:8, 91:15, 115:11, 119:11, 131:5, 143:9, 147:20, 151:12, 172:16, 180:17, 181:22, 182:14, 187:23, 189:11, 190:20, 190:23, 195:21, 196:13 requested [16] - 10:16, 10:17, 10:18, 12:6, 12:7, 12:9, 12:15, 12:16, 14:16, 15:24, 18:22, 18:23, 29:9, 50:4, 191:11 requesting [8] - 16:19, 16:21, 17:1, 17:2, 80:20, 99:23, 122:5, 142:15 requests [8] - 51:5, 64:14, 98:12, 114:18, 178:4, 189:8, 198:5 require [1] - 151:12 required [4] - 70:15, 75:6, 137:13, 154:9 requirement [2] - 63:13, 75:2 requirements [26] - 41:20, 48:22, 48:24, 49:3, 51:23, 64:13, 65:6, 65:8, 65:12, 66:5, 69:25, 73:14, 75:19, 77:24, 78:23, 79:4, 79:8, 79:9, 82:6, 93:24, 104:2, 144:7, 174:6, 174:7, 176:17, 194:21 requires [2] - 29:7, 82:3 rescinded [1] - 84:2 reserve [2] - 130:8, 153:10 residence [1] - 107:2 resident [1] - 59:12 residents [1] - 59:20 resigned [2] - 184:22, 184:24 resolution [3] - 183:17, 186:9, 186:10 resolved [3] - 68:12, 149:17, 186:6 respect [1] - 85:21 respectful [1] - 116:23 respond [5] - 5:19, 123:20, 143:9, 156:21, 186:3 responded [2] - 185:23 Respondent [1] - 56:22</p>	<p>responding [1] - 175:3 response [4] - 36:19, 65:22, 97:1, 195:24 responses [5] - 17:11, 119:12, 177:23, 178:2 responsibility [5] - 69:23, 69:24, 75:15, 157:16, 158:2 rest [1] - 194:4 restrictions [2] - 42:8, 188:24 restrictive [7] - 41:19, 41:24, 47:3, 116:11, 116:12, 122:23, 123:10 result [3] - 15:23, 68:4, 80:24 retain [1] - 118:21 returned [1] - 185:18 reverent [1] - 122:3 review [13] - 22:11, 23:24, 28:7, 44:1, 49:15, 49:20, 53:20, 56:2, 64:7, 64:13, 64:21, 66:19, 66:22 reviewed [9] - 23:16, 56:10, 62:5, 66:8, 74:3, 75:21, 101:7, 113:4, 196:23 revised [3] - 11:5, 11:6, 149:11 revoke [3] - 5:13, 170:15, 201:5 revoked [5] - 5:21, 16:15, 196:12, 196:18, 196:19 rhetoric [1] - 193:15 Right-of-Way [3] - 133:18, 134:3, 134:14 right-of-way [5] - 137:6, 153:17, 153:19, 154:12, 190:22 right-of-ways [2] - 114:21, 148:11 rights [21] - 109:10, 116:7, 117:23, 118:21, 123:6, 123:8, 132:17, 132:20, 134:16, 136:22, 139:16, 147:6, 147:14, 149:2, 152:16, 152:18, 164:20, 165:25, 166:13, 166:15, 190:17 ripe [1] - 66:22 rise [1] - 69:7 road [21] - 22:6,</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>34:11, 34:12, 39:23, 52:20, 52:21, 52:23, 107:13, 107:14, 107:15, 107:16, 109:12, 118:24, 118:25, 119:1, 120:6, 135:5, 136:8, 137:3 roads [4] - 34:10, 48:9, 48:16, 120:7 Rod Dansie [3] - 12:6, 12:13, 179:8 Rodney Dansie [3] - 6:9, 6:20, 162:11 role [5] - 37:4, 59:2, 60:16, 61:1 ruled [5] - 70:9, 95:13, 166:18, 187:20, 191:3 rules [5] - 43:10, 139:22, 144:18, 146:10, 194:21 ruling [7] - 115:18, 151:19, 152:13, 156:22, 158:6, 158:9, 182:2 rulings [2] - 66:20, 66:23 run [4] - 55:7, 79:19, 142:9, 201:16 running [3] - 58:22, 136:24 runs [7] - 52:18, 55:6, 142:9, 151:4, 166:5, 166:8, 167:1</p>	<p>8:9, 8:15, 8:18, 8:23, 9:7, 9:12, 10:21, 10:23, 11:7, 11:13, 17:17, 19:15, 21:5, 24:6, 24:20, 28:1, 28:5, 35:6, 39:16, 39:18, 40:11, 71:19, 71:22, 76:17, 76:19, 76:23, 77:2, 77:4, 79:10, 85:16, 88:14, 88:23, 94:1, 94:7, 111:13, 111:15, 111:23, 115:12, 119:14, 119:17, 133:9, 133:11, 133:16, 134:5, 142:24, 143:5, 143:7, 144:25, 145:6, 149:23, 149:25, 150:5, 150:9, 152:3, 153:13, 153:15, 154:2, 156:10, 160:23, 161:10, 161:22, 169:24, 170:2, 171:4, 171:19, 177:15, 177:17, 177:21, 178:9, 178:11, 180:5, 180:14, 180:17, 181:22, 182:9, 187:3, 189:5, 191:22, 195:16, 195:19, 203:12 scope [4] - 96:1, 97:17, 99:5, 147:24 seat [6] - 25:14, 89:13, 117:11, 130:3, 130:14, 194:8 Second [1] - 150:3 second [11] - 62:4, 82:8, 87:25, 88:22, 133:24, 141:12, 145:20, 153:25, 155:13, 178:4, 187:15 secretary [1] - 141:6 Section [2] - 105:11, 105:14 section [1] - 42:9 security [1] - 103:23 see [23] - 27:25, 69:14, 71:11, 76:6, 82:9, 114:18, 121:6, 140:4, 153:24, 154:14, 154:21, 155:3, 155:13, 159:11, 169:11, 178:15, 179:10, 181:8, 182:3, 183:6, 191:6, 192:1, 203:4 See [3] - 83:15, 179:7, 183:9 seeking [2] - 54:11,</p>	<p>171:10 seeks [2] - 65:15, 69:1 seem [2] - 83:18, 96:11 sell [2] - 135:20, 138:25 sellers [1] - 139:2 send [3] - 183:6, 184:2, 186:11 sending [2] - 183:22, 184:24 sense [3] - 49:16, 85:23, 183:2 sent [14] - 13:5, 37:12, 51:10, 81:25, 83:13, 93:22, 131:6, 156:15, 179:1, 181:3, 185:2, 185:3, 185:4, 185:6 sentence [10] - 10:6, 10:10, 10:14, 11:21, 11:24, 11:25, 12:4, 12:12, 170:7, 170:9 separate [13] - 26:14, 28:14, 28:16, 39:25, 40:9, 40:10, 48:4, 153:18, 153:22, 158:19, 158:24, 174:24, 180:15 ser [1] - 69:20 serve [14] - 29:21, 52:9, 53:25, 55:5, 55:11, 57:25, 73:25, 75:6, 75:16, 113:19, 116:2, 135:7, 146:4, 188:10 served [23] - 30:11, 33:4, 33:8, 38:14, 38:15, 52:12, 52:17, 52:18, 53:23, 54:25, 55:8, 56:6, 71:6, 99:3, 102:10, 102:19, 103:10, 103:11, 104:16, 135:3, 194:19, 196:8, 199:11 serves [4] - 29:20, 33:14, 56:24, 76:1 service [115] - 16:22, 16:24, 17:3, 17:5, 29:1, 29:2, 29:15, 30:6, 30:7, 30:10, 33:6, 33:13, 34:1, 36:13, 39:9, 40:19, 44:7, 47:25, 48:5, 49:2, 49:5, 50:2, 50:4, 53:21, 53:23, 54:1, 54:4, 54:11, 55:1, 55:3, 55:14, 58:10, 65:1, 65:16, 65:21, 65:25, 70:24, 74:20, 75:7, 75:13, 77:8,</p>	<p>77:10, 77:12, 77:14, 77:16, 77:19, 78:5, 78:10, 78:25, 82:24, 84:4, 90:11, 91:14, 94:13, 94:17, 94:19, 94:20, 95:7, 98:12, 98:13, 98:21, 99:4, 99:24, 100:9, 101:2, 103:6, 103:15, 109:11, 109:22, 110:2, 111:7, 113:12, 114:22, 116:6, 116:8, 119:13, 120:5, 120:23, 122:19, 122:21, 123:1, 124:7, 126:9, 126:18, 144:8, 144:10, 144:19, 145:13, 145:15, 146:8, 146:11, 165:14, 171:10, 171:14, 171:22, 171:23, 172:19, 174:9, 174:15, 176:10, 176:20, 177:5, 179:6, 188:5, 188:7, 198:5, 198:6, 198:8, 198:22, 199:3, 199:16, 201:22, 201:25 Service [1] - 122:6 services [11] - 16:10, 22:6, 48:1, 54:2, 82:7, 97:9, 109:3, 109:13, 120:1, 136:8 servicing [1] - 115:3 servicing [10] - 70:5, 71:2, 71:7, 76:1, 76:2, 95:10, 103:25, 168:14, 196:1, 198:4 set [11] - 5:16, 43:10, 73:14, 77:13, 112:19, 112:25, 144:18, 178:3, 178:4, 186:9, 188:17 sev [1] - 79:24 Seven [4] - 10:7, 11:22, 14:7, 132:20 seven [3] - 10:11, 11:17, 12:1 seventy [1] - 179:19 seventy-six [1] - 179:19 several [6] - 26:14, 54:16, 59:10, 78:11, 102:21, 102:25 severed [6] - 14:18, 54:22, 55:8, 55:10, 55:14, 95:9 Shaggy Mountain Drive [1] - 25:23 shakes [1] - 123:14 shaky [1] - 187:25</p>	<p>shall [3] - 137:5, 137:7, 137:12 share [6] - 22:22, 47:1, 47:2, 136:7, 167:14 shares [6] - 22:4, 22:5, 46:24, 47:5, 47:7, 47:10 Shauna [1] - 45:23 Shauna Benvegna-Springer [2] - 6:5, 9:8 shed [1] - 108:10 sheet [1] - 28:17 sheets [1] - 28:16 short [1] - 57:5 shorter [1] - 35:13 shortly [1] - 11:8 shortsighted [1] - 122:13 show [8] - 20:18, 22:7, 22:16, 72:19, 76:9, 141:16, 152:17, 158:1 showed [1] - 82:2 showing [4] - 29:22, 32:5, 82:2, 87:5 shows [2] - 42:19, 42:20 shut [5] - 139:18, 172:21, 173:23, 181:15, 188:4 sic [4] - 93:17, 149:21, 150:22, 151:18 side [1] - 33:10 sign [4] - 49:3, 49:5, 77:13, 114:1 signature [1] - 154:9 signatures [5] - 124:13, 155:4, 155:6, 155:9, 157:10 signed [22] - 15:1, 15:14, 15:15, 37:7, 43:22, 114:19, 115:11, 122:19, 124:13, 136:13, 137:18, 140:11, 141:13, 144:20, 152:15, 156:1, 157:5, 157:20, 157:22, 157:23, 199:12 signing [1] - 114:10 signs [1] - 49:19 similar [1] - 35:23 simple [3] - 94:12, 110:15, 118:6 simply [3] - 20:16, 147:22, 183:13 single [1] - 197:10 sit [3] - 25:8, 35:8,</p>
<p>S</p>				
<p>Salt Lake City [1] - 200:5 Salt Lake County [8] - 31:16, 53:4, 53:8, 112:9, 112:10, 112:11, 116:15, 137:8 Salt Lake County west [1] - 31:18 sate [1] - 25:21 save [2] - 107:7, 145:6 scene [1] - 197:6 schedules [1] - 136:2 Schmid [24] - 8:4, 9:6, 12:21, 24:11, 24:18, 39:15, 44:21, 76:15, 76:25, 88:13, 94:15, 111:12, 145:4, 154:6, 161:9, 161:20, 169:23, 178:15, 181:21, 182:2, 196:25, 198:14 SCHMID [82] - 6:2,</p>				

<p>194:3 site [1] - 18:12 situation [8] - 84:24, 90:1, 197:22, 198:1, 198:3, 199:15, 200:15 six [4] - 135:20, 137:4, 138:25, 179:19 six-inch [1] - 137:4 sixteen [1] - 179:12 size [2] - 75:17, 75:22 skip [1] - 135:18 skipped [1] - 170:5 skirt [2] - 67:8, 147:22 small [1] - 28:11 smaller [3] - 27:14, 27:21, 202:7 Smith [49] - 5:23, 5:24, 17:20, 24:23, 24:24, 27:24, 28:9, 29:25, 30:17, 31:8, 35:12, 36:24, 37:1, 37:14, 38:8, 38:13, 39:14, 42:18, 76:5, 82:1, 88:1, 88:2, 92:18, 97:1, 102:5, 106:25, 111:11, 127:9, 127:10, 128:22, 152:14, 156:17, 157:19, 161:25, 162:7, 166:10, 166:16, 167:15, 173:22, 174:16, 176:19, 180:10, 184:4, 184:5, 184:21, 187:13, 191:10, 201:8 SMITH [118] - 5:24, 17:21, 24:23, 24:25, 25:20, 27:14, 27:21, 28:6, 28:13, 28:16, 28:19, 30:2, 30:19, 30:25, 31:4, 31:7, 35:8, 36:17, 37:9, 38:11, 39:12, 42:11, 43:1, 47:6, 47:12, 50:17, 50:24, 72:5, 72:9, 72:13, 72:17, 76:4, 76:8, 76:11, 82:13, 82:17, 82:20, 83:17, 88:4, 93:2, 93:4, 93:10, 95:20, 96:10, 98:3, 100:10, 100:12, 100:19, 101:8, 101:13, 101:19, 101:25, 102:2, 104:24, 105:5, 105:9, 105:21, 106:1, 106:3, 106:5, 106:14, 111:9, 126:3, 126:7, 127:12, 127:17,</p>	<p>127:21, 127:23, 128:4, 128:12, 129:17, 130:4, 130:8, 133:14, 143:2, 150:7, 150:12, 154:5, 155:8, 156:4, 156:7, 159:5, 159:9, 159:13, 159:18, 159:21, 160:1, 160:2, 160:14, 160:17, 160:22, 161:3, 161:7, 161:14, 162:9, 162:15, 167:13, 167:16, 167:20, 171:15, 171:21, 180:11, 187:1, 191:12, 191:17, 191:20, 192:25, 193:3, 194:24, 195:6, 195:11, 195:18, 197:1, 201:9, 201:13, 201:16, 202:17, 203:13 Smith's [3] - 85:7, 154:1, 178:5 snow [4] - 39:24, 40:7, 48:9, 48:17 sole [2] - 136:15, 148:6 solid [1] - 123:22 someday [1] - 199:21 someone [8] - 47:2, 53:11, 64:13, 73:9, 73:15, 86:18, 114:4, 197:6 Somewhere [1] - 58:13 somewhere [4] - 100:17, 124:4, 168:24, 180:12 son [1] - 14:12 soon [1] - 125:16 sooner [1] - 61:11 sorry [24] - 16:25, 35:10, 38:11, 52:21, 52:24, 65:18, 71:17, 74:10, 82:11, 93:6, 101:7, 106:1, 106:5, 111:18, 126:3, 148:16, 148:18, 152:10, 167:17, 168:3, 179:3, 187:2, 187:11, 194:25 Sorry [3] - 133:15, 167:4, 168:10 sort [8] - 39:19, 64:18, 67:23, 98:7, 126:16, 179:25, 180:3, 197:15 sorts [1] - 200:24 source [2] - 64:20,</p>	<p>126:11 south [7] - 31:19, 31:22, 136:18, 136:23, 136:24, 136:25, 137:1 South [3] - 41:14, 43:8, 106:18 South Oquirrh [7] - 19:3, 41:10, 41:17, 42:9, 42:20, 115:21, 190:17 southwest [2] - 31:18, 105:14 SPEAKER FROM THE AUDIENCE [1] - 41:7 speaking [1] - 69:23 speaks [4] - 89:25, 134:19, 152:1, 181:23 special [2] - 48:17, 173:6 specific [7] - 5:10, 5:15, 16:9, 56:25, 67:2, 89:15, 117:12 Specific [1] - 53:18 specifically [6] - 6:14, 6:18, 14:3, 66:19, 81:11, 177:4 Specifically [4] - 54:14, 73:4, 97:2, 174:4 specified [1] - 121:11 specify [2] - 57:2, 57:3 speculating [1] - 184:9 speculation [3] - 43:2, 47:8, 47:13 spell [2] - 106:20, 106:22 Spencer [1] - 115:23 spot [1] - 143:23 Springer [14] - 6:6, 8:24, 9:1, 9:4, 9:13, 11:15, 12:21, 17:18, 21:23, 26:18, 36:23, 54:9, 55:5, 56:19 SPRINGER [2] - 9:8, 134:2 staff [1] - 51:14 stage [1] - 44:19 stamp [1] - 155:22 stamped [3] - 133:2, 191:5, 192:8 stand [5] - 25:7, 91:24, 92:15, 106:7, 198:10 standards [2] - 64:15, 137:9 standby [5] - 132:14,</p>	<p>179:5, 182:3, 182:4, 184:17 standby fee [3] - 78:12, 78:14, 184:12 standby fees [6] - 74:23, 180:25, 181:3, 182:11, 182:13, 189:25 standbys [1] - 190:2 standing [1] - 25:10 stands [1] - 143:19 start [8] - 5:23, 8:14, 113:11, 124:8, 130:22, 133:4, 145:22, 184:17 started [6] - 13:12, 33:4, 173:20, 181:19, 184:24, 186:3 starting [1] - 189:24 starts [1] - 10:7 State [2] - 65:12, 79:9 state [10] - 10:3, 11:25, 19:21, 28:8, 39:1, 105:23, 106:15, 108:16, 187:12, 189:24 State of Utah [1] - 147:23 statement [13] - 50:18, 50:20, 50:22, 56:14, 56:17, 56:19, 83:15, 87:1, 87:22, 189:6, 189:13, 193:13 statements [2] - 114:19, 117:15 states [7] - 9:23, 51:15, 55:21, 90:14, 116:11, 139:8, 181:10 stating [4] - 15:3, 51:11, 82:4, 185:18 status [5] - 14:20, 157:17, 158:2, 182:19, 183:17 statute [1] - 69:5 stay [4] - 67:21, 169:8, 169:17, 198:19 stems [1] - 122:6 step [4] - 32:1, 92:24, 105:2, 126:22 Stephen [1] - 106:24 Stephen Olschewski [7] - 14:15, 37:21, 105:6, 106:10, 106:17, 111:17, 128:1 steps [1] - 94:13 Still [1] - 47:14 still [6] - 16:4, 68:18, 119:3, 124:8, 166:4, 185:19</p>	<p>stipulated [1] - 109:7 stipulation [1] - 113:18 stock [2] - 132:17, 188:15 stockholder [1] - 200:12 stop [2] - 184:8, 193:11 storage [1] - 174:6 story [1] - 142:1 streets [1] - 200:24 stricken [3] - 141:15, 142:7, 143:10 strike [3] - 97:13, 158:4, 159:2 strong [1] - 181:12 struck [2] - 10:10, 11:24 subdivided [1] - 20:3 subdivision [4] - 47:21, 174:5, 174:10, 176:4 Subdivision [9] - 6:22, 19:4, 42:19, 100:15, 115:1, 138:19, 148:13, 148:14, 171:17 subject [7] - 44:16, 44:20, 47:2, 86:14, 91:25, 92:22, 94:20 submit [12] - 36:18, 36:20, 36:22, 38:22, 101:21, 128:13, 131:15, 190:25, 191:7, 191:18, 192:6, 192:11 submitted [18] - 14:25, 15:3, 17:10, 17:14, 20:21, 22:7, 43:18, 44:3, 44:4, 55:24, 65:7, 119:10, 127:8, 127:9, 132:24, 141:3, 141:5, 141:23 submitting [1] - 149:11 Subsequent [1] - 108:19 subsequent [1] - 10:25 subsequently [4] - 32:10, 33:7, 83:11, 163:21 subsidiary [1] - 26:21 substantially [1] - 190:11 substituted [1] - 128:13 successors [4] - 149:1, 155:16,</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>157:25, 158:2 succinct [1] - 57:6 Sue Jero [1] - 173:16 suggest [2] - 97:20, 101:20 suggested [1] - 68:24 suggestion [1] - 93:5 summarize [1] - 14:6 summarizing [1] - 202:15 supersedes [1] - 20:17 supplement [4] - 8:10, 11:1, 11:4, 11:11 supplemental [1] - 12:22 supplementing [1] - 8:24 supplied [1] - 65:5 supply [4] - 52:2, 57:16, 65:2, 70:1 support [1] - 191:8 supposed [1] - 103:13 Supreme [11] - 7:1, 64:2, 64:6, 88:24, 95:13, 147:23, 150:18, 164:24, 173:6, 187:20 surrounding [1] - 100:14 sustain [1] - 116:19 Sustained [4] - 42:14, 43:4, 47:9, 96:14 sustained [1] - 47:14 swear [1] - 106:4 sworn [11] - 8:25, 9:4, 9:9, 25:9, 25:12, 25:17, 106:9, 106:11, 129:6, 130:12, 162:12 System [1] - 96:6 system [57] - 13:21, 48:15, 54:18, 54:24, 62:23, 63:15, 70:1, 73:12, 73:19, 74:3, 74:6, 74:7, 75:15, 78:15, 93:16, 98:16, 103:11, 104:2, 104:8, 113:21, 117:25, 118:2, 122:3, 122:6, 122:12, 123:5, 124:6, 124:7, 124:8, 125:11, 134:24, 139:13, 139:15, 141:9, 142:9, 148:24, 149:4, 151:1, 151:3, 157:3, 158:13, 163:12, 165:25, 166:2, 166:5, 166:8,</p>	<p>166:11, 166:12, 167:2, 174:23, 174:24, 176:5, 181:2, 188:6, 194:19 systems [3] - 63:16, 73:25, 97:3</p> <p style="text-align: center;">T</p> <p>table [2] - 25:8, 85:25 tail [1] - 197:19 talks [1] - 145:12 tangent [2] - 97:10, 97:15 tank [2] - 18:13, 117:8 tanks [2] - 33:12, 148:10 tariff [2] - 131:16, 181:5 tariffs [1] - 110:18 tee [1] - 68:3 teed [1] - 91:2 telephone [1] - 87:6 ten [2] - 76:21, 188:12 ten-minute [1] - 76:21 terminated [2] - 94:19, 94:21 terms [4] - 57:3, 61:3, 64:6, 137:15 terribly [2] - 148:16, 202:19 territory [1] - 73:8 testified [12] - 9:10, 25:18, 54:9, 60:22, 98:11, 106:12, 109:21, 162:13, 162:17, 162:22, 165:7, 172:8 testify [7] - 9:2, 89:20, 92:22, 129:4, 133:1, 163:17, 199:11 testifying [5] - 19:16, 87:6, 130:17, 132:11, 164:4 testimony [52] - 33:17, 33:21, 36:23, 42:13, 44:16, 44:20, 51:20, 54:12, 61:8, 72:10, 73:23, 86:7, 86:16, 87:14, 87:16, 92:4, 92:7, 92:13, 98:18, 105:2, 108:8, 117:14, 118:14, 121:6, 121:11, 121:12, 121:15, 126:22, 131:1, 131:5, 144:23, 162:19,</p>	<p>162:21, 163:24, 163:25, 165:8, 175:7, 175:8, 185:16, 187:25, 188:1, 189:10, 193:17, 193:21, 194:6, 194:17, 196:5, 196:7, 198:15, 198:16, 198:18, 199:1 testimony's [1] - 97:10 that'd [1] - 98:3 That'll [2] - 21:19, 35:9 that'll [1] - 199:21 that's.. [1] - 107:12 THE [1] - 52:21 The court [391] - 5:3, 6:1, 6:7, 6:13, 6:17, 7:4, 7:8, 7:14, 7:16, 8:1, 8:13, 8:17, 8:19, 9:1, 9:5, 10:22, 11:4, 11:9, 11:14, 12:11, 12:15, 12:17, 12:19, 17:20, 17:23, 19:18, 19:21, 21:10, 21:14, 23:11, 23:24, 24:5, 24:8, 24:11, 24:14, 24:17, 24:21, 24:24, 25:10, 25:13, 27:13, 27:20, 27:24, 28:3, 28:15, 28:18, 28:21, 29:25, 30:17, 30:21, 31:2, 31:6, 36:24, 37:13, 38:8, 38:12, 39:14, 40:13, 42:14, 43:4, 44:8, 44:10, 44:13, 44:19, 47:9, 47:14, 47:17, 50:14, 50:21, 51:1, 51:4, 51:12, 54:7, 55:2, 55:13, 55:17, 58:1, 58:4, 58:8, 58:11, 58:15, 58:24, 59:2, 59:5, 59:11, 59:19, 59:25, 60:5, 60:12, 60:14, 60:16, 60:19, 60:21, 60:25, 61:4, 61:8, 61:17, 61:19, 61:24, 61:25, 62:3, 62:8, 62:15, 62:16, 63:3, 63:25, 64:5, 64:9, 65:14, 65:19, 65:21, 66:7, 66:12, 66:16, 67:1, 67:5, 67:8, 67:11, 67:15, 68:1, 68:24, 70:6, 70:10, 70:21, 70:23, 71:9, 72:2, 72:7, 72:10, 72:15, 76:5, 76:14, 76:18, 76:21, 76:25, 79:12, 80:24,</p>	<p>81:24, 82:2, 82:8, 82:12, 84:11, 84:14, 85:10, 85:13, 85:18, 85:20, 87:24, 88:13, 88:20, 89:8, 90:6, 90:13, 90:25, 91:23, 92:2, 92:14, 93:1, 93:9, 93:12, 94:5, 94:15, 94:23, 95:2, 95:4, 95:12, 95:17, 95:19, 95:21, 96:14, 96:24, 97:11, 97:14, 97:24, 98:5, 98:17, 99:15, 99:18, 99:21, 100:7, 100:11, 101:12, 101:15, 101:23, 102:1, 102:3, 104:20, 105:1, 105:8, 105:19, 105:25, 106:2, 106:4, 106:6, 106:21, 111:11, 111:25, 115:15, 115:24, 116:17, 116:21, 116:25, 117:3, 117:10, 118:11, 119:18, 121:4, 121:24, 124:9, 124:10, 124:17, 125:7, 125:15, 125:18, 125:21, 126:1, 126:5, 126:21, 126:25, 127:4, 127:15, 127:20, 127:22, 127:25, 128:5, 128:22, 129:3, 129:6, 129:10, 129:12, 129:15, 129:19, 129:22, 129:25, 130:7, 130:10, 130:13, 130:18, 130:21, 131:24, 132:7, 133:20, 133:23, 134:1, 134:4, 134:8, 134:11, 137:25, 138:3, 138:5, 138:15, 140:3, 140:8, 140:24, 141:11, 141:15, 141:20, 141:22, 142:2, 142:13, 142:18, 142:22, 143:1, 143:3, 143:6, 143:8, 143:15, 143:17, 144:24, 145:4, 145:8, 145:18, 145:20, 146:12, 146:17, 147:22, 148:16, 148:19, 148:21, 149:8, 149:13, 149:16, 150:3, 150:8, 150:16, 151:19, 151:20,</p>	<p>152:13, 153:9, 153:12, 156:12, 156:20, 157:8, 158:14, 158:16, 158:18, 159:8, 159:13, 159:23, 160:6, 160:19, 160:24, 161:2, 161:5, 161:9, 161:11, 161:20, 161:25, 162:6, 163:7, 163:11, 164:3, 164:6, 164:22, 166:18, 167:12, 167:15, 167:19, 167:21, 167:25, 168:3, 168:6, 168:8, 168:11, 169:22, 171:5, 171:18, 171:20, 171:25, 172:4, 172:13, 173:2, 173:11, 173:12, 175:1, 175:20, 175:23, 176:18, 177:12, 177:16, 178:10, 180:16, 180:19, 180:22, 181:21, 182:2, 182:15, 183:1, 183:8, 183:15, 183:17, 183:20, 184:7, 184:16, 184:19, 185:1, 185:5, 185:9, 185:13, 185:16, 186:13, 186:15, 186:24, 187:5, 187:19, 189:4, 189:12, 189:16, 191:5, 191:10, 191:16, 191:19, 191:21, 191:24, 192:1, 192:14, 193:7, 193:10, 195:9, 195:12, 196:25, 201:8, 201:12, 201:15, 202:14, 202:18, 203:14 The witness [72] - 11:21, 12:14, 12:16, 12:18, 22:2, 25:15, 35:10, 40:12, 50:18, 52:23, 54:14, 55:4, 55:16, 57:10, 58:3, 58:7, 58:9, 58:13, 58:20, 59:1, 59:3, 59:6, 59:15, 59:21, 60:2, 60:6, 60:13, 60:15, 60:18, 60:20, 60:24, 61:2, 61:6, 61:13, 61:23, 62:2, 62:19, 64:4, 64:8, 64:19, 65:17, 65:20, 66:1, 66:10, 66:14,</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>66:25, 67:3, 67:10, 68:5, 69:14, 70:8, 70:11, 70:22, 70:24, 71:16, 71:21, 71:25, 72:3, 72:12, 72:18, 76:7, 82:11, 98:15, 99:7, 99:16, 99:19, 100:4, 100:16, 102:21, 105:4, 118:14, 178:9 the.. [1] - 78:1 themselves [1] - 113:24 then-directors [1] - 118:17 there'll [1] - 88:10 Thereby [1] - 69:3 thereby [2] - 90:3, 109:4 therefore [2] - 109:12, 135:17 They've [1] - 181:4 they've [1] - 132:2 thinks [1] - 197:11 third [4] - 12:4, 99:23, 151:19, 202:6 Third [2] - 151:20, 164:23 thirty [1] - 179:20 thirty-four [1] - 179:20 thousand [1] - 179:19 threatening [1] - 165:5 three [15] - 14:13, 15:7, 20:12, 20:16, 26:13, 43:11, 75:18, 152:12, 166:20, 173:8, 192:23, 201:9, 201:10, 201:20 three-quarter [1] - 75:18 Thursday [1] - 13:7 tie [1] - 52:25 tied [1] - 158:13 ties [4] - 94:16, 117:8, 122:10, 122:24 timeline [1] - 71:6 Title [4] - 150:3, 151:17, 166:19, 187:19 title [7] - 133:24, 137:11, 148:8, 157:3, 157:15, 158:9, 163:12 titled [3] - 96:4, 148:2, 163:11 today [68] - 6:5, 6:15, 7:9, 7:12, 7:17, 11:6, 25:4, 48:19, 61:8, 62:1, 62:5, 64:12,</p>	<p>72:11, 73:8, 83:20, 86:8, 86:12, 87:4, 89:5, 89:7, 90:8, 90:24, 92:7, 96:13, 97:7, 98:11, 98:18, 105:2, 110:9, 111:16, 113:8, 115:13, 123:18, 126:22, 128:19, 132:24, 142:6, 146:20, 161:17, 161:19, 167:6, 167:25, 168:5, 168:25, 169:10, 172:9, 172:25, 175:1, 187:15, 188:1, 190:8, 190:12, 190:15, 191:3, 193:23, 194:6, 195:20, 196:4, 196:16, 198:2, 198:16, 198:20, 199:23, 200:13, 202:19, 203:7 today's [1] - 84:15 together [3] - 27:22, 35:2, 137:2 took [3] - 81:14, 139:5, 190:1 top [1] - 133:8 topic [1] - 96:12 towards [1] - 31:20 Towards [1] - 13:16 track [2] - 169:1, 169:6 tract [4] - 20:14, 135:2, 138:20, 138:21 transact [1] - 79:21 transacted [1] - 79:22 transferred [1] - 14:19 transport [1] - 172:15 transportation [6] - 62:24, 63:24, 69:17, 95:18, 96:21, 97:5 Transportation [1] - 63:11 transporting [1] - 63:20 traveling [1] - 59:23 traverse [1] - 135:4 treat [1] - 16:11 treated [4] - 15:4, 16:13, 103:12, 104:13 tremendous [3] - 84:19, 84:20, 124:23 tremendously [1] - 102:1 true [1] - 65:15 try [14] - 68:9, 128:18, 128:20,</p>	<p>131:4, 139:24, 147:22, 152:17, 165:22, 166:17, 166:21, 176:1, 187:15, 191:18, 197:3 trying [13] - 30:5, 48:3, 67:24, 99:5, 99:6, 99:19, 125:20, 149:14, 153:1, 190:8, 191:8, 191:12, 191:13 turn [8] - 8:3, 21:18, 41:7, 76:14, 114:20, 127:6, 173:18, 195:13 turned [8] - 114:7, 114:11, 173:13, 173:14, 173:19, 175:6, 181:15, 184:4 turning [2] - 175:4, 179:25 twice [1] - 89:16 two [41] - 6:10, 6:21, 7:23, 10:14, 12:2, 12:10, 14:10, 14:11, 14:16, 14:21, 16:20, 19:4, 20:11, 32:9, 33:12, 38:21, 43:11, 46:6, 49:23, 49:24, 60:11, 61:2, 61:3, 63:16, 74:23, 84:9, 95:11, 95:14, 96:21, 97:3, 100:18, 121:7, 133:11, 139:14, 142:7, 172:20, 173:8, 173:19, 192:23 Two [8] - 10:12, 10:15, 12:5, 12:12, 12:14, 95:16, 179:11, 179:19 two-year [1] - 84:9 type [3] - 40:5, 70:14, 193:3 typed [2] - 179:14, 179:18 types [1] - 40:6 typically [2] - 75:17, 154:18</p>	<p>uncontroverted [1] - 196:7 undated [1] - 137:24 under [31] - 6:24, 9:23, 10:2, 14:22, 16:16, 21:1, 22:2, 23:18, 56:20, 57:19, 62:17, 69:5, 83:24, 84:4, 84:8, 96:8, 96:20, 112:19, 113:6, 131:10, 131:16, 135:10, 137:3, 146:10, 149:2, 150:10, 151:23, 165:22, 171:1, 174:21, 176:20 Under [2] - 9:22, 22:2 underneath [1] - 45:11 understood [2] - 88:20, 147:3 Undivided [1] - 7:23 unfair [1] - 113:1 Unfortunately [1] - 84:22 unhappy [1] - 110:2 unless [7] - 62:12, 121:13, 122:16, 147:15, 159:22, 160:4, 190:9 Unless [2] - 77:14, 93:10 unnecessary [2] - 85:10, 121:13 unsigned [3] - 137:23, 140:25, 141:12 up [69] - 11:14, 18:17, 24:18, 24:20, 25:6, 27:15, 29:1, 32:1, 32:4, 33:11, 35:19, 37:3, 42:7, 50:13, 51:17, 58:20, 59:18, 62:4, 64:11, 64:20, 64:22, 64:25, 65:10, 66:11, 67:23, 68:3, 72:13, 73:3, 73:11, 74:9, 76:13, 76:15, 77:13, 78:11, 78:24, 82:5, 83:2, 85:21, 87:5, 91:2, 92:21, 96:16, 98:15, 103:25, 104:23, 104:24, 105:9, 117:1, 126:4, 130:19, 139:22, 141:11, 147:21, 155:22, 157:19, 159:19, 160:10, 160:12, 169:1, 169:2, 172:5, 176:10, 195:2, 195:7,</p>	<p>198:14, 199:11, 201:11, 202:8 upheld [2] - 173:11, 174:22 upstanding [1] - 193:19 urge [1] - 201:3 Ut [1] - 174:3 Utah [6] - 25:24, 31:16, 64:2, 88:24, 150:21, 170:14 utilities [5] - 29:18, 137:3, 145:14, 146:3 Utilities [2] - 94:22, 131:7 utility [5] - 16:15, 57:15, 144:11, 146:4, 192:22 Utility's [1] - 115:11</p>
			<p style="text-align: center;">V</p>	
				<p>valid [5] - 142:8, 142:10, 150:24, 191:9, 199:21 validity [2] - 161:18, 191:1 value [1] - 179:13 venue [2] - 84:23, 117:19 verifiable [1] - 102:23 verified [1] - 23:9 verify [1] - 49:21 version [3] - 155:11, 191:18, 202:7 versions [1] - 27:14 versus [2] - 145:11, 146:14 vest [1] - 137:12 vested [1] - 123:6 vet [2] - 103:6, 103:19 vetted [1] - 102:23 vite [7] - 27:6, 53:10, 60:22, 60:25, 61:3, 80:7, 94:18 view [2] - 69:18, 75:24 violate [1] - 74:13 violation [2] - 74:12, 74:14 virtue [4] - 7:22, 21:3, 142:12, 144:19 vital [1] - 104:8 voice [2] - 200:2, 200:3 void [3] - 150:19, 150:21, 151:16 vote [24] - 34:3, 34:5,</p>

<p>34:21, 35:18, 36:1, 36:2, 36:7, 46:9, 120:1, 120:16, 122:22, 123:8, 146:22, 152:16, 188:3, 188:16, 188:18, 188:21, 188:23, 196:6, 199:1, 200:10 voted [1] - 35:3 votes [2] - 46:14, 190:14 voting [15] - 78:7, 78:9, 78:13, 109:10, 118:21, 119:21, 119:23, 123:8, 132:17, 132:20, 134:16, 146:21, 152:18, 168:5, 190:17 Voting [1] - 168:1</p>	<p>46:15, 48:15, 48:20, 49:2, 49:5, 49:9, 49:13, 49:16, 49:19, 49:20, 50:1, 50:2, 51:6, 51:9, 51:20, 51:22, 52:3, 52:10, 52:18, 53:11, 53:13, 53:21, 54:18, 54:23, 57:21, 62:11, 62:22, 63:1, 63:4, 63:5, 63:10, 63:19, 63:21, 63:24, 64:12, 64:14, 65:2, 65:12, 66:3, 69:1, 69:16, 69:17, 70:2, 70:12, 70:18, 70:19, 70:25, 73:11, 73:16, 73:19, 74:20, 75:13, 77:10, 77:12, 78:1, 78:5, 78:10, 78:15, 82:24, 83:10, 84:4, 84:5, 84:8, 87:19, 90:11, 91:13, 91:22, 93:16, 94:20, 95:7, 95:10, 95:14, 95:15, 96:7, 96:9, 96:20, 97:3, 97:5, 98:13, 99:2, 99:11, 99:24, 103:4, 103:11, 103:13, 103:20, 104:6, 104:8, 104:16, 109:11, 109:21, 111:7, 113:12, 113:18, 113:21, 113:24, 114:1, 114:11, 114:20, 114:24, 116:8, 116:13, 116:17, 117:8, 117:25, 118:2, 120:5, 120:23, 122:3, 122:6, 122:12, 122:15, 122:16, 122:21, 123:5, 124:5, 124:6, 124:7, 124:10, 124:13, 124:14, 124:25, 125:11, 126:8, 126:11, 126:12, 126:18, 134:24, 135:4, 135:14, 135:21, 136:1, 136:16, 137:7, 137:11, 137:21, 138:25, 139:12, 139:15, 140:17, 141:9, 142:9, 144:2, 144:8, 144:19, 145:14, 147:14, 147:15, 148:9, 148:10, 148:24, 149:4, 151:1, 151:3, 153:2, 155:6, 157:3, 157:5, 161:18, 163:10, 163:12,</p>	<p>164:14, 164:25, 165:14, 165:25, 166:2, 166:4, 166:5, 166:7, 166:8, 166:10, 166:12, 167:2, 168:19, 171:10, 172:10, 172:15, 172:16, 172:18, 173:13, 173:14, 173:18, 173:20, 173:24, 174:9, 174:10, 174:15, 174:21, 174:23, 175:4, 175:6, 175:17, 176:5, 176:10, 177:4, 179:10, 181:2, 181:10, 181:15, 183:1, 185:21, 188:6, 189:25, 194:18, 198:22, 199:3 water company [32] - 10:2, 10:5, 26:12, 26:17, 26:20, 26:21, 45:3, 45:11, 45:22, 48:20, 56:23, 58:18, 77:8, 78:25, 88:18, 89:1, 89:2, 110:7, 122:25, 131:11, 131:17, 136:3, 140:1, 144:16, 149:6, 168:14, 171:2, 179:2, 182:18, 185:24, 188:15, 195:23 water right [6] - 116:3, 116:14, 116:16, 117:8, 123:1, 125:11 water rights [12] - 45:6, 45:9, 45:16, 46:4, 116:2, 117:16, 122:4, 122:7, 124:5, 134:23, 148:9, 148:24 water well [1] - 164:24 water's [1] - 51:7 Water's [2] - 51:13, 66:5 ways [4] - 102:9, 114:21, 148:11, 188:1 weekend [1] - 203:11 weigh [1] - 71:13 welcome [9] - 44:17, 89:21, 89:23, 117:14, 125:18, 138:11, 192:11, 192:14, 202:17 Welcome [1] - 127:4 wells [2] - 71:6, 78:12 West [1] - 106:18 west [1] - 100:18</p>	<p>whatsoever [1] - 193:17 Whereas [3] - 134:22, 135:9, 135:12 whereas [1] - 135:1 whichever [1] - 195:15 whole [5] - 23:22, 62:21, 70:14, 116:9, 157:15 wide [1] - 136:23 wife [4] - 20:6, 20:7, 134:19, 138:20 wild [1] - 33:14 willing [4] - 82:4, 112:21, 113:3, 135:12 wise [1] - 184:6 wish [7] - 85:20, 86:16, 89:20, 92:22, 142:18, 187:5, 203:9 wishes [1] - 86:15 withdraw [1] - 172:1 withdrew [2] - 184:23, 188:11 witness [12] - 6:5, 9:9, 17:22, 25:2, 25:17, 30:8, 86:14, 86:19, 89:20, 105:5, 106:11, 162:12 witnesses [1] - 88:6 wondering [4] - 56:16, 83:17, 153:20, 171:9 word [2] - 195:16, 198:9 wording [1] - 22:21 words [5] - 12:9, 23:6, 100:4, 146:4, 170:6 world [1] - 69:18 wrap [2] - 96:15, 201:11 writ [1] - 173:6 write [1] - 175:11 writing [3] - 11:17, 178:20, 178:22 written [6] - 71:8, 178:25, 181:4, 182:16, 183:16, 201:20 wrote [2] - 176:7, 201:10</p>	<p>59:10, 60:11, 80:6, 155:1, 163:7, 172:21, 173:3, 173:8, 175:15, 183:5, 183:12, 184:11, 187:9, 187:10, 188:11, 188:12, 197:24 yellow [1] - 138:21 yesterday [6] - 17:11, 37:10, 46:2, 137:19, 177:24, 178:1 your Honor [20] - 18:25, 43:5, 45:25, 50:20, 76:6, 90:5, 92:25, 112:1, 117:2, 138:13, 141:19, 143:13, 153:8, 156:11, 158:8, 167:16, 187:11, 192:13, 194:11, 194:12 yourself [3] - 84:21, 90:3, 168:18</p>
W		Y		
<p>wag [1] - 197:19 wait [5] - 49:17, 68:1, 173:25, 175:12, 181:8 waive [2] - 123:7, 123:8 waived [2] - 122:22, 188:23 walk [2] - 9:20, 195:8 walked [2] - 87:11, 190:12 wants [4] - 49:12, 73:15, 92:19, 191:17 warranted [1] - 183:13 Water [27] - 13:20, 46:4, 65:3, 65:5, 66:8, 72:24, 73:5, 74:4, 79:4, 82:3, 82:6, 93:19, 96:5, 99:9, 114:2, 114:3, 115:5, 116:5, 117:25, 154:25, 157:7, 158:13, 174:3, 174:13, 176:7, 176:15, 176:16 water [254] - 6:24, 7:3, 7:25, 10:12, 10:13, 10:18, 12:2, 12:3, 12:8, 12:9, 12:18, 13:21, 15:6, 15:9, 15:11, 15:19, 15:24, 16:19, 17:1, 18:4, 18:16, 19:6, 19:7, 20:17, 23:18, 26:14, 26:22, 33:12, 33:25, 34:6, 34:24, 35:14, 35:25, 36:12, 40:8, 40:19, 45:7,</p>			<p>year [6] - 46:15, 60:9, 84:9, 95:16, 144:6, 197:7 years [26] - 13:19, 26:8, 26:15, 35:2, 54:16, 56:13, 59:9,</p>	