

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

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

-o0o-

Highlands Water Company,)
Inc.'s Request to Update its)
Service Area)
) Docket No. 23-010-01
)
)
-----)

Public Hearing
Taken via Webex on Thursday, December 21, 2023
At 10:04 a.m. MT

Reported by: Brooke Simms, RPR, CCR, CSR

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

A P P E A R A N C E S

The Public Service Commission:

Presiding Officer John Delaney, Esq.

For Mountain Green Mutual Water Company and Village at Trappers Loop:

Matthew Jensen, Esq.

Tammy Frisby, Esq.

Parr Brown Gee & Loveless

101 South 200 East

Suite 700

Salt Lake City, Utah 84111

(801) 532-7840

mjensen@parrbrown.com

For Highlands Water Company:

Marjalee Smith

Highlands Water Company President

5880 North Highland Drive

Morgan, Utah 84050

(801) 458-0175

highlandswaterco@gmail.com

Also Present:

Bart Smith

Nate Hadley

Brenda Salter

Rulon Gardner

Duane Johnson

Mike Johanson

* * *

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

2 -o0o-

3 PRESIDING OFFICER: Today is December 21st,
4 2023. It's approximately 10:04 a.m. This is the date
5 and the time that is scheduled for the hearing regarding
6 Highlands Water Company Incorp- -- or Inc.'s request to
7 update its service area in Docket 23-010-01. And
8 specifically we're here for arguments on the petition to
9 intervene filed by Mountain Green Mutual Water Company
10 and Village at Trappers Loop, LLC.

11 Everybody at the right Webex hearing?

12 Okay. I'm assuming everybody can hear me
13 okay. I just saw some headshakes. Okay. Wonderful.

14 Why don't we get going, and let's begin with
15 appearances. So, on behalf of the petitioners, please
16 make an appearance.

17 MR. JENSEN: Yes, Your Honor. Matt Jensen on
18 behalf of Mountain Green Mutual Water Company and
19 Village at Trappers Loop. I also have Tammy Frisby
20 here, who's another attorney in my office. The
21 president of our irrigation company -- or our mutual
22 water company should be joining shortly. I think he got
23 delayed. But happy to be here and explain our position
24 on the petition.

25 PRESIDING OFFICER: Thank you very much.

1 Before we go on, I want to -- I want to note
2 that we -- we do have a court reporter with us today.
3 Sorry. I'm trying to find -- oh, hi, Brooke. So Brooke
4 will be transcribing this just like if we were live and
5 in person. I want to make sure everybody speaks loudly
6 enough and also keeps a cadence or a pace that is
7 amenable for Brooke to do her job.

8 I did note, Mr. Jensen, I was having a hard
9 time hearing you. It could be my speakers. It also
10 could be my ears, but just try to speak a little more
11 loudly for my benefit.

12 If there is any issue with the conversation,
13 the presentations, the questions, the answers, in terms
14 of being able to be transcribed, I'm giving Brooke carte
15 blanche to interrupt us. So, Brooke, please -- please
16 do that as -- as appropriate, and nobody be offended if
17 she does. We want a good record here.

18 With that being said, thank you for your
19 appearance, Mr. Jensen. Welcome, Ms. Frisbee.

20 Why don't we go to Highlands? Who is here on
21 behalf of Highlands?

22 MS. SMITH: I'm Marjalee Smith, president of
23 Highlands Water Company. This is Bart Smith. He is
24 also an officer in our company, and this is Nate Hadley
25 on my left, and he is our operator.

1 PRESIDING OFFICER: Okay. Thank you very
2 much. Ms. Smith, I'm going to ask you to maybe get
3 closer to the microphone. I really had a difficult time
4 hearing you.

5 MS. SMITH: Okay. Sorry.

6 PRESIDING OFFICER: That's okay. No, no.
7 This is no faultfinding here.

8 Am I the only one who's having a hard time
9 hearing folks? Because if y'all are hearing just fine,
10 I need to make some adjustments on my end, which may
11 have been what I was dealing with this morning. Was
12 Mrs. Smith clear enough for everybody? Loud enough?

13 MR. JENSEN: I could hear her, Your Honor.

14 PRESIDING OFFICER: Okay.

15 MR. HADLEY: We can hear Matt Jensen, just
16 fine as well, Your Honor.

17 PRESIDING OFFICER: See, I can't -- I couldn't
18 even understand that.

19 MR. HADLEY: I was sitting far back, but we
20 can hear Matt Jensen just fine.

21 PRESIDING OFFICER: Okay. So for the HWC
22 folks, since I saw that's how you're designated on your
23 tile, I need you to be as close as possible to the
24 microphone, and don't be offended if I ask you to repeat
25 yourself because I'm not hearing you.

1 In the meantime, give me one second, and I'm
2 going to check my speaker setting.

3 MR. JENSEN: And, Ms. Simms, can you hear me
4 okay?

5 (Reporter clarification.)

6 MR. JENSEN: Thank you.

7 PRESIDING OFFICER: Okay. I -- you know, I
8 kind of reset my speaker. So let's see if that works.
9 I do want to note that I see some folks from the
10 Division of Public Utilities that are attending this
11 hearing. Folks, are you -- are you here as observers or
12 otherwise? And, Ms. Salter --

13 MIDDLE: This is Brenda Salter.

14 PRESIDING OFFICER: -- I'll just ask you.

15 MIDDLE: Sorry. This is Brenda Salter, and we
16 are here just as observing.

17 PRESIDING OFFICER: Okay. Thank you very
18 much. And it looks like somebody just joined us via
19 phone. They're identified as call-in user number two.
20 Please identify yourself.

21 MR. GARDNER: This is Rulon Gardner.

22 MR. JOHNSON: Duane Johnson.

23 PRESIDING OFFICER: Okay. And Mr. --
24 Mr. Jensen, do you want to introduce those two folks?

25 MR. JENSEN: Yes, Your Honor. So Rulon --

1 Rulon Gardner and Dwayne Johnsen are board members of
2 Mountain Green Mutual Water Company, and also Rulon is
3 the principal of Village at Trappers Loop.

4 PRESIDING OFFICER: Okay. Thank you very
5 much.

6 I'd like everybody to remember to mute
7 yourself when you're not speaking. The drawback to
8 that, though, is that you must unmute yourself when you
9 want to speak, and that might actually be a good thing
10 because we're going to go in order, and we are going to
11 let sides present their arguments uninterrupted, except
12 for maybe by me, and I will do my best not to interrupt.
13 So please mute yourself until you are -- you have the
14 table to speak.

15 Just a lay of the land for everyone's
16 orientation, this is not unlike a normal court
17 proceeding, which means that this is the petitioners'
18 petition. Because they have the burden on this, they go
19 first. They will present their arguments and will be
20 subject to questions by me, nobody else.

21 Then the opposition, or in this case
22 Highlands, you will have an opportunity to present your
23 argument in opposition to the petition and anything else
24 relevant to this petition. Then, finally -- and then I,
25 too, will be able to ask you some questions.

1 And then, finally, we will allow, again, the
2 petitioners to present, in essence, a reply to what they
3 heard from Highlands' argument and then be subject to
4 questions by me after that, if any, and that will be the
5 course of this proceeding.

6 Any questions on that?

7 Okay. Then I at this point will turn it over
8 to Mr. Jensen. Please proceed.

9 MR. JENSEN: Thank you, Your Honor. So as you
10 alluded to, we're here for a single issue, and that is
11 whether intervention is allowed in Highland Water
12 Company's request to expand its service area under Utah
13 Code Section 63G-4-207.

14 That section provides that the agency shall
15 grant a petition if two elements are satisfied: First,
16 the petitioners' legal interest may be substantially
17 affected by the proceedings; and, second, the interest
18 of justice and the orderly conduct of the adjudicative
19 proceedings will not be materially impaired by allowing
20 intervention.

21 So that -- that's -- you know, that's --
22 that's what we're here to discuss. I'll first note
23 that, as to the second element related to materially
24 impairing the proceeding or the interest of justice,
25 Highlands Water Company has made no argument to the

1 contrary. They've essentially conceded that point. So
2 really all we're here to discuss is whether the interest
3 of Mountain Green Mutual Water Company and Villages at
4 Trappers Loop may be substantially affected by the
5 proceeding.

6 (Webex interference.)

7 PRESIDING OFFICER: Pardon me, Mr. Jensen. I
8 apologize about that.

9 MR. JENSEN: No problem.

10 PRESIDING OFFICER: Does anybody know who
11 Mr. Nelson is?

12 Yeah. So, Mr. Jensen, you don't know who
13 Mr. Nelson is?

14 MR. JENSEN: I do not.

15 PRESIDING OFFICER: Ms. Smith, do you know who
16 Mr. Nelson is?

17 MS. SMITH: He's a board member.

18 PRESIDING OFFICER: Nelson. Okay. Great.
19 Thank you.

20 MS. SMITH: Yes.

21 PRESIDING OFFICER: Apologies, Mr. Jensen.
22 Please go ahead.

23 MR. JENSEN: No problem at all.

24 So in discussing whether the petitioners'
25 interest may be substantially affected, it's important

1 to note the one item of -- where Highlands responded to
2 the motion for intervention, they say there's, quote, no
3 reason the mutual water company cannot coexist in the
4 same service area as a regulated water utility company.

5 And we have no qualms with that position at
6 all. In fact, we think that's -- that's correct, that
7 there can be overlapping mutual water company service in
8 an area where a public utility -- and we can get into
9 that a little bit later as to -- to why that's the case
10 under the statute.

11 However, I think it's important to -- to
12 recognize the history here. Highlands Water Company
13 officers have -- have stated the contrary position to
14 the Morgan County Commission on multiple occasions,
15 asserting that they were the only water company that
16 could service this -- this particular area.

17 And I'll reference, Your Honor, Lee's
18 Marketplace. That's kind of the -- the specific project
19 that's teed up right now, and it's currently under
20 construction. There's been multiple board meetings or
21 Commission meetings before the Morgan County Commission
22 on that, and Highland has come and given public comment,
23 suggesting to the Commissioners that -- that they're the
24 only ones that could service that -- that particular
25 project.

1 That was very problematic for us, and it
2 caused some confusion there. So petitioners want to
3 make sure that we have a seat at the table and for
4 this -- for this expansion, to make sure that its
5 interests are not undermined by continuing those
6 positions.

7 Second, despite making -- conceding that point
8 in its response to the petition for intervention,
9 Highlands then claimed in its response -- or I guess,
10 more accurately, its reply to our opposition to the
11 expansion of their service area, stating that no
12 exemption from Public Service Commission regulation is
13 possible if it, quote, conflicts with or adversely
14 affects the operations of an existing certified public
15 utility.

16 So there's a little bit of confusion in
17 Highlands' positions here, and I want to make sure --
18 one of the reasons for intervention and one of the
19 reasons why Mountain Green Mutual and Village's
20 interests could be affected here is because of these
21 contrary positions. I think it's important for Mountain
22 Green Mutual to be involved in the proceeding so that --
23 that its position on that point can be stated.

24 Now, with respect to why that concession in
25 the response is correct, as you look at Utah Code

1 Section 54-4-25, it's clear that, you know, if a public
2 utility is looking to provide service, they need to get
3 a certificate of convenience and necessity. There is,
4 however, some indication in the text of that statute
5 itself that that does not -- a certificate of
6 convenience and necessity --

7 And I apologize. My light turns off if I
8 don't dance around a little bit here and there.

9 -- but a certificate of convenience and
10 necessity does not provide exclusivity even as against
11 other public utilities.

12 In fact, when you look at Section -- or
13 Subsection 5 of that statute, it deals exclusively with
14 a supplier of electricity that's seeking a
15 convenience -- a certificate of convenience and
16 necessity and provides that once a certificate is
17 provided for the electric utility, that provides the
18 applicant the exclusive right to serve the customers.
19 That's the only time in the whole code there where we
20 talk about exclusivity. So that's correct as well.

21 Now, the other -- the other thing I think that
22 is important on -- on that front, is Mountain Green
23 Mutual Water Company is applying for an exemption in a
24 separate docket before the Public Service Commission
25 because it does not serve the public generally. It

1 serves only its shareholders. And Highlands has -- has
2 cited to a provision and also a statement in the
3 application itself asserting that, hey, you can't -- you
4 can't get an exemption if there's a conflict with the
5 service area of a public utility, and that is not
6 supported by the statute.

7 In fact, it comes from Subsection (4) of that
8 Utah -- Utah Code Section 54-4-25, and in that, it talks
9 about an applicant for a certificate of convenience and
10 necessity must make a statement that it won't -- let's
11 see. Let me just read it here so I get it correctly.
12 That it "will not conflict or adversely affect the
13 operations of any existing certified fixed public
14 utility which supplies the same product." So that also
15 would not apply with respect to obtaining an exemption
16 request.

17 And so just wanted to kind of put to bed
18 that -- that concept and note that, yes, we agree that
19 there's nothing that prevents the overlapping of -- of
20 service from a mutual and a certificated public utility.
21 That does not, however, ameliorate the need for Mountain
22 Green Mutual to be a participant in this service area
23 proceeding because there are other interests that are
24 being protected from the petition -- for the petitioner
25 in this proceeding.

1 Specifically, Village is an owner of a
2 property here, and one of the things that could be
3 compromised by allowing expansion of the service area to
4 cover this property is clarity. There -- there's
5 significant questions on whether there's capacity in
6 Highlands' system to service this area.

7 There -- we do know that Mountain Green Mutual
8 has a active long-term lease that -- that will ripen
9 into ownership for a million gallon tank and for two
10 wells to service this exact area. We don't have
11 anything -- in other words, there's been significant
12 investment on a mutual company basis to supply this
13 area.

14 And those are assets that -- you know,
15 Highlands makes the argument, well, are those Cottonwood
16 Mutual assets or are they Mountain Green Mutual assets?
17 The fact of the matter is, they are Mountain Green
18 Mutual today, and there's no claim at all that Highlands
19 has any interest in that infrastructure. And so it's
20 important here for -- for Mountain Green Mutual to
21 provide clarity to its customers that if they -- if they
22 need water service, you know, their members need water
23 service, it's going to be through Mountain Green Mutual.

24 And, ultimately, just so you're aware, Your
25 Honor, there are discussions about teaming up, I guess,

1 with Cottonwood Mutual that are still ongoing, as
2 Cottonwood Mutual mentioned in its -- its response to
3 the -- the expansion request. But as of right now,
4 Mountain Green Mutual is the -- the sole provider for
5 this area and for its members, which includes Soderby
6 and Village.

7 Finally, in terms of the reasoning for
8 intervention, to the extent that there are factual
9 issues that need to be explored in Highlands' reply, I
10 think it's very important that Mountain Green Mutual and
11 Village be a party so that they can put on the evidence.
12 I don't think there's any other party that is motivated
13 or able to put on the -- the evidence that -- that has
14 been disputed by Highlands.

15 And so for those reasons, we would request
16 that Mountain Green Mutual and Village be allowed to
17 intervene in this proceeding.

18 PRESIDING OFFICER: Thank you very much,
19 Mr. Jensen. I appreciate the presentation, and I
20 appreciate your acknowledgement of the helpfulness of
21 background. And because of that, I do have some
22 questions for you that will relate to the background,
23 but they are intended to address this substantial legal
24 interest, I guess, prong. So let me just take it from
25 the top.

1 So Village is it's own corporate entity;
2 correct?

3 MR. JENSEN: Correct.

4 PRESIDING OFFICER: Okay. So it exists
5 independent of what I will call MGMWC?

6 MR. JENSEN: Correct.

7 PRESIDING OFFICER: Okay. And if I mess up
8 that acronym, I apologize.

9 Okay. And then Soderby, who's referenced in
10 various of the filings in this particular docket, is not
11 a party to your petition; correct?

12 MR. JENSEN: Correct.

13 PRESIDING OFFICER: Okay. And you just said
14 that Village -- I'm trying to understand exactly what
15 the legal interests are -- kind of check, check, check.
16 You said Village is an owner of a parcel. Where is that
17 parcel?

18 MR. JENSEN: Thank you, Your Honor. I don't
19 know if I'm allowed to share screen, but I think it
20 might be helpful to look at a map as we -- as we look
21 through that. Is that possible?

22 PRESIDING OFFICER: I -- I'm not in charge of
23 whether or not you can, if you're -- if you're forbidden
24 from, technologically speaking, from sharing. Why don't
25 you give it a shot? Okay.

1 MR. JENSEN: Was I successful?

2 PRESIDING OFFICER: You were.

3 MR. JENSEN: Okay.

4 PRESIDING OFFICER: Let me -- let me just
5 check with everybody.

6 Ms. Smith, can you and your group see that
7 map? Okay. Thank you.

8 And, Brooke, you can see that?

9 (Reporter clarification.)

10 PRESIDING OFFICER: Okay. Wonderful.

11 MR. JENSEN: Okay. So this is a little bit --
12 I mean, part of the reason we're here, Your Honor, is
13 it's a -- it's a complicated map. There's a lot going
14 on here, obviously. But the green, here, is -- is what
15 Mountain Green Mutual -- the areas where they intend to
16 serve their members, as an exempt mutual water company,
17 and the reason that that's the boundary is this area
18 down here is owned by Village at Trappers Loop.

19 PRESIDING OFFICER: Okay.

20 MR. JENSEN: Okay? Everything in yellow is
21 owned by Soderby LLC, and -- and just to explain the
22 legal interests that are involved, Soderby LLC is an
23 entity where Duane Johnson, who's on the -- on the phone
24 here, is a principal of Soderby LLC. They're the
25 property owner, and he's also a board member of Mountain

1 Green Mutual Water Company. So there's essentially
2 two -- two members currently, or two shareholders
3 currently, of Mountain Green Mutual Water Company. One
4 is Soderby LLC, and one is Village at Trappers Loop LLC.

5 So, again, everything in yellow is Village --
6 or is Soderby LLC, and then I believe actually they also
7 own this piece here.

8 Can you see my cursor by the way, Your Honor?

9 PRESIDING OFFICER: Yes. I'm able to see it
10 okay, and I'm assuming everybody else can as well. If
11 not, please say so.

12 Okay. Please go ahead.

13 MR. JENSEN: Okay. And then, like I said,
14 Village at Trappers Loop is -- is this section here,
15 down in the -- the southeast portion of the proposed
16 service area for Mountain Green Mutual.

17 PRESIDING OFFICER: Okay.

18 MR. JENSEN: Is that helpful?

19 PRESIDING OFFICER: That is helpful, and it
20 does -- it does lead to another question, which is why
21 is Soderby not a party to your petition, if they're the
22 owner of the yellow area, which seems to be smack dab in
23 the middle of where the -- the fight's currently kind of
24 pitched?

25 MR. JENSEN: Part of that is -- is, Your

1 Honor, that -- you know, I can't speak for them. I
2 don't represent Soderby.

3 PRESIDING OFFICER: Yeah.

4 MR. JENSEN: But what I will say is that I
5 think their interests are adequately represented by
6 Mountain Green Mutual Water Company.

7 PRESIDING OFFICER: Okay.

8 MR. JENSEN: And, second, because they have
9 separate counsel.

10 PRESIDING OFFICER: Okay.

11 MR. JENSEN: I think there was -- there was an
12 interest in trying to avoid any sort of concerns
13 between -- between the members of Mountain Green Mutual.

14 PRESIDING OFFICER: Okay. That's -- that's --
15 thank you for that explanation. Sounds to me like if
16 they want to show up, they can try to show up at this
17 point.

18 Okay. So let me go back to my questions.
19 And, again, thank you. I thought -- I think that
20 orientation was helpful. We may need to double back.
21 We'll see.

22 So besides planning on -- so I'm looking at
23 your now -- at your petition. And you're welcome to
24 reference it. I'm doing it from notes. So if I do
25 misquote, I'll try to make that clear.

1 But in paragraph number two the petition
2 states that -- that MGMWC is planning on providing water
3 to the project. What else, if anything, will that
4 entity do with respect to the project?

5 MR. JENSEN: Nothing else. There -- Mountain
6 Green Mutual is purely the water provider for the
7 project.

8 PRESIDING OFFICER: Okay. Thank you. And I'm
9 assuming that that could change if circumstances present
10 itself down the road, but at this point, what you just
11 said is the state of play; correct?

12 MR. JENSEN: That is correct. And -- and, you
13 know, by way of background, there's long been discussion
14 about having -- creating a Mountain Green water district
15 or special service district or whatever type of
16 district, and there's certainly been discussions on that
17 front.

18 I know, you know, as we have been in the
19 discussions with the Division of Drinking Water, there
20 is certainly a -- a movement or a desire from Division
21 of Drinking Water's standpoint to consolidate things and
22 avoid having lots of little -- little water providers.
23 And Mountain Green Mutual is not opposed to exploring
24 those possibilities. And, in fact, I think there's even
25 been separate counsel engaged to evaluate how we might

1 go about doing a district in the future, and those
2 discussions have involved Cottonwood Mutual as well.

3 So, you know, it's not a static situation, but
4 as we sit here today, the only thing that Mountain Green
5 Mutual is set up to do is to provide water, and the area
6 to which it's set up to provide water is this area that
7 I showed that was outlined in green.

8 PRESIDING OFFICER: Okay. Thank you.

9 Okay. Staying on paragraph 2, I want to know
10 what the basis for the claim in that paragraph that
11 Highlands has agreed it cannot claim as part of its
12 service area, in essence, that area.

13 So that assertion is it can't claim that area
14 at all. Nothing about exclusivity. So what's the basis
15 for the claim as I just quoted?

16 MR. JENSEN: And it is entirely based on the
17 basis of a 2021 settlement agreement between Highlands
18 Water Company and Soderby LLC.

19 PRESIDING OFFICER: Okay. And so it was your
20 position that, as I've seen that represented, and I know
21 the parties are disputing whatever the interpretation is
22 of which certainly I haven't seen, but -- but your
23 position is, is that that says they have disclaimed any
24 service?

25 MR. JENSEN: And -- and I think that was --

1 you know, that --

2 PRESIDING OFFICER: I'm sorry. Is that -- is
3 that right, or am I misstating that?

4 MR. JENSEN: You're saying paragraph 2?

5 PRESIDING OFFICER: Yeah. It -- let me grab
6 the specific -- sorry. Give me a second here.

7 MR. JENSEN: I just want to make sure I read
8 the exact language.

9 PRESIDING OFFICER: Yeah. Please do. Thank
10 you for -- okay. So it is -- it's the last part of that
11 first sentence. The first part of that sentence,
12 page 2, paragraph 2, "MGMWC plans to provide water to a
13 service area that includes parcels owned by Soderby that
14 Highlands has agreed it cannot claim as part of its
15 existing service area."

16 And so what caused me to address that question
17 was that there's this kind of debate between the parties
18 at this point about what's the limitation of that
19 agreement in terms of exclusivity versus no service at
20 all, and I see here a position of no service at all.

21 MR. JENSEN: Yeah. And, Your Honor, as I read
22 that -- that sentence, it's referencing the settlement
23 agreement obligation, and I think that may have been
24 penned a little bit too broadly. I -- it is they cannot
25 demand -- and, actually, I think the best thing to do --

1 by the way, we did not include a copy of the settlement
2 agreement because it does have a confidentiality
3 provision. If there were a protective order and
4 Highland was amenable, I wouldn't have any concern
5 submitting a copy of the agreement to -- to the
6 Division.

7 PRESIDING OFFICER: Well, I will let you --
8 pardon me. Is somebody trying to say something?

9 MR. JENSEN: Rulon, could you go ahead and
10 mute, please?

11 PRESIDING OFFICER: I will let you all work
12 that out between yourselves if it's something that you
13 think is important for the decision-making process
14 generally, recalling, of course, that we're here on the
15 motion -- or the petition to intervene, but more
16 globally, I'd like you guys to have discussions amongst
17 yourself about that issue, as it relates to anybody's
18 respective burden of proof going forward. So I'll leave
19 that to you for now.

20 MR. JENSEN: Yeah. And, certainly, that
21 would, I think, be more -- more important in the broader
22 context of the request -- service area request itself.
23 I don't think it's necessary at this juncture for the
24 intervention side of things. But I think the key thing
25 is when that statement was written in the petition for

1 intervention, Highlands had presented to the Commission,
2 the Morgan County Commission, an assertion that only
3 it -- only Highlands could service that -- this project.

4 And in that context and then looking at the
5 settlement agreement, which prohibits Highlands from
6 claiming itself as the exclusive provider, I think
7 that's where that -- that statement comes from, Your
8 Honor -- is we -- we now have an entity going to the
9 Commission in the context of a development approval
10 process and essentially causing problems for that
11 development approval on the basis that they're the only
12 one that can provide, when the realty is that specific
13 property is subject to an agreement by -- by Highlands
14 and Soderby, both of which are parties to that
15 settlement agreement providing that Highland can't make
16 that assertion.

17 PRESIDING OFFICER: Okay. But Soderby is not
18 a party to this intervention. So let me circle back,
19 then, because -- I mean, how does this 2021 settlement
20 agreement -- I'm going -- I'm jumping around a little
21 bit, but you're raising these things that I have in
22 order, and I'm going to take them out of order.

23 How does that affect your -- how does that
24 affect Mountain Green's and Village's asserted interest
25 in this case, that 2021 agreement? Be specific.

1 MR. JENSEN: Again, Soderby is one of only two
2 members currently of Mountain Green Mutual Water
3 Company, and it's the primary developer of this project.
4 And so, you know, whether Soderby should, in its own
5 right, be an intervener here, I think they -- they felt,
6 and I think justifiably so, that their interests are
7 protected by Mountain Green Mutual --

8 PRESIDING OFFICER: Well, I'm sorry.

9 MR. JENSEN: -- who is serving the same
10 interest.

11 PRESIDING OFFICER: I am going to interrupt
12 you for a sec because I understand that. Just help me
13 understand, though -- I'm looking at who -- somebody has
14 to have a significant legal interest; right? And -- and
15 what I know is the only two parties that thus far are
16 asserting a specific significant legal interest is
17 Mountain Green and Village. Soderby is not. Now, you
18 say Soderby's interests are protected by these others,
19 but that -- their legal interest doesn't get imputed to
20 the other two to, therefore, assert as their own. It's
21 still Soderby's.

22 So help me understand how this 2021 settlement
23 agreement, if at all, does to affect the legal interests
24 asserted by Mountain Green and Villages.

25 MR. JENSEN: Certainly, Your Honor. So I

1 think we -- I think we see -- see that just a little bit
2 differently.

3 PRESIDING OFFICER: Okay.

4 MR. JENSEN: So your statement that Soderby's
5 interests and/or rights cannot be imputed to Mountain
6 Green Mutual -- I don't -- I don't think that's the
7 case. As I look at this, Mountain Green Mutual is the
8 entity that Soderby has identified and funded and
9 done -- done things to make sure that it can provide --
10 receive water supply. That's the -- that's the acting
11 entity to get -- to keep its project going with respect
12 to water supply.

13 So, in essence, Mountain Green Mutual is an
14 entity owned, in substantial part, by Soderby, and its
15 mission statement, if you will, is to make sure that
16 water can be provided to the project.

17 Now, it is true that Mountain Green Mutual is
18 not a party to the settlement agreement. Mountain Green
19 Mutual is not a party to the settlement agreement. It
20 does not, however, follow that Mountain Green Mutual,
21 for the benefit of its members, cannot use as a factual
22 matter the settlement agreement to support its
23 interests. In other words, it's not asserting a breach
24 of contract or anything of that nature. That would be a
25 right exclusively of Soderby's.

1 But it is asserting as the PSC is making its
2 determination with respect to what Highlands' service
3 area ought to be, the settlement agreement is an
4 important fact to be considered. And, yes, Mountain
5 Green Mutual is the one that is presenting that fact to
6 the decision maker, to the agency, but that does not
7 make the rights any different.

8 In other words, in determining what is the
9 interest of Mountain Green Mutual, the interest of
10 Mountain Green Mutual is to have a clear water supply --
11 water supply regime within the land owned by its
12 members, and Highlands' efforts in this proceeding to
13 create a -- or to expand its service area around and
14 onto areas where the principals have put up -- have set
15 up Mountain Green Mutual to supply that water is
16 problematic.

17 It affects their interests, at the very least,
18 of -- as this project continues to be developed, one of
19 the first things people do when they, you know, are
20 looking to acquire a piece of a project is who's the
21 water provider?

22 PRESIDING OFFICER: Yeah.

23 MR. JENSEN: And right now, you know, if this
24 petition is -- or sorry -- if the request of Highland is
25 granted, there's going to be some significant confusion

1 on that front, unjustifiable confusion, from my
2 perspective, because I don't think there's -- the
3 property owners have -- have stated in no uncertain
4 terms that they don't want to receive water service from
5 Highlands.

6 PRESIDING OFFICER: Okay. Well, let's --
7 let's park that for future -- future dialogue, if
8 appropriate, but I do -- what I do hear -- first of all,
9 thank you for your helping me understand better your
10 position on the kind of tracking of whose interests lie
11 where. I appreciate that.

12 But I do hear from you that there's going to
13 be potentially some issues of contractual
14 interpretation. You said there's no breach of contract
15 claim. I get that, but it sounds like there is lurking
16 in here potentially some contract interpretation issue.
17 Would you agree or disagree with me at this point with
18 that statement?

19 MR. JENSEN: I don't think -- so I agree in
20 part and disagree in part, Your Honor. What I would say
21 to that is that on the issue of intervention, I don't
22 think it's -- it's necessary to interpret the contract.
23 On the issue of expansion of the service area, I think
24 it could be a helpful fact, but I don't even think that
25 the settlement agreement is the key fact that needs to

1 be determined.

2 PRESIDING OFFICER: Okay.

3 MR. JENSEN: So I think -- I think that the --
4 while it may be a beneficial fact that may support a
5 decision, I think that the -- the Commission can get to
6 the same place with or without interpreting that
7 agreement. Specifically, because the property owners
8 are looking at this and saying they have selected their
9 water provider and it's not Highlands, the public
10 interest is not served by having this expansion of the
11 service area to include property that won't be served by
12 Highlands.

13 PRESIDING OFFICER: Okay. And you -- and I
14 will address this -- this notion with Highlands of
15 expansion versus existing, you know, as you've
16 identified, and I shared the need to get that clarified.
17 So I will ask that of them.

18 I want to follow-up, though, on this line
19 about agreements because there is a 2007 agreement. I
20 think it's referred to in your pleading as "the well
21 agreement"; is that -- is that right?

22 MR. JENSEN: That's correct, Your Honor.

23 PRESIDING OFFICER: Okay. So what -- what
24 effect does the well agreement have on Mountain Green
25 and/or Village's significant legal interest in this case

1 or docket?

2 MR. JENSEN: Your Honor, I don't think there's
3 any effect at all. It is not uncommon for different
4 water providers to have water sources outside their
5 service area. So while Highlands may very well have a
6 well within -- you know, within what we're -- I hesitate
7 to call it a service area for Mountain Green Mutual --
8 but where we anticipate Mountain Green Mutual will be
9 the water provider, that makes no difference in terms of
10 who is actually going to be the water provider.

11 It's simply a -- the well agreement, as I
12 understand it, simply is an agreement providing for an
13 easement and access to a well that I believe is
14 currently owned by Highlands that is within that
15 green -- that green outline that I showed earlier, but
16 that doesn't affect who services the properties around
17 that well.

18 PRESIDING OFFICER: Okay. And are there --
19 there are water lines that were also installed pursuant
20 to that agreement?

21 MR. JENSEN: I believe there likely were some
22 water lines approved -- yeah, installed pursuant to that
23 agreement.

24 PRESIDING OFFICER: Okay. Okay. So that's my
25 questions on the settlement agreement. Thank you very

1 much.

2 One of the questions -- you've answered this,
3 but I guess I want you to be as specific as you can. In
4 your reply, you make the allegation or the assertion
5 that Highlands' application could undermine Mountain
6 Green's exception request, that separate docket.

7 How, specifically -- and if you're going to
8 have to restate what you said, I apologize, but I didn't
9 get a real clear answer in on my head on that notion of
10 undermining. Can you restate it or just start anew?

11 MR. JENSEN: Certainly. Now, as of yet,
12 Highlands hasn't submitted any comments in the exemption
13 request docket. So, you know, it's possible that that
14 issue doesn't become a significant issue, but there is
15 the risk -- the thing that Mountain Green Mutual is
16 really trying to avoid here is to lose its seat at the
17 table with respect to the -- the expansion of this
18 service area on the one hand and then have Highlands
19 come in on the exemption request on the other hand and
20 make the argument. And I suppose that's one of the
21 hazards of having kind of parallel dockets going on with
22 these related issues.

23 But that said, that's the concern -- is, you
24 know, that we don't have a seat at the table on this
25 one, which would allow Highlands to then expand its

1 service area. And then at the same time, there's --
2 there's arguments that exemption's not possible because
3 it encroaches into a service area of a certificated
4 public utility and, therefore, an exemption is not
5 granted, and all of a sudden we don't have the ability
6 to protect ourselves in the service area proceeding as
7 a -- as it might affect our exemption proceeding.

8 Does that make sense, Your Honor? I don't
9 know that I totally explained that clearly, but that's
10 the concept -- is we need a seat at the table on this
11 one in order to make sure that it won't be undermining
12 the other proceeding.

13 PRESIDING OFFICER: Yes, no. I think that
14 that was helpful for me. I appreciate it.

15 So, you know, I told you I was going to wait
16 to ask Highlands this, but let me just ask you this. So
17 in the initial filing of Highlands, their application,
18 they had attached some exhibits, and two of those
19 exhibits are maps, and I'm going to refer to those here
20 and hereafter as 2A and 3A.

21 My understanding -- and I will verify this
22 with Highlands when we get there -- my understanding is
23 is that 2A at least visually represented by way of a map
24 as well as 3A. 2A, in its red outline, represents what
25 I believe Highlands is representing to be its current

1 service area, and then 3A is represented to, what I am
2 going to say now -- my understanding may change after I
3 hear from them -- but is as to where they would like to
4 expand.

5 Given that, Mr. Jensen, do you agree that 2A
6 is Highlands' existing -- current existing service area?

7 A. And, Your Honor, you'll note that I put the
8 map back up because I think it's helpful to have the
9 discussion as we talk about the boundaries. 2A --

10 PRESIDING OFFICER: Well, sir, let me -- let
11 me interrupt you because why -- let's use their
12 exhibits.

13 MR. JENSEN: Okay.

14 PRESIDING OFFICER: That's -- that's the
15 question is -- do you think 2A -- what I call 2A -- and
16 if you need me to orient you to look at that, I'm happy
17 to give you the time you need, and if you want to put it
18 up, you can. I don't know that you need to, but my
19 question to you is 2A, which is attached to the
20 application, one of the attachments, and it is the
21 map -- the map representation, and it's in a red
22 outline. Are you with me?

23 MR. JENSEN: Yes.

24 PRESIDING OFFICER: Okay. Do you believe that
25 that is Highlands' existing current -- current existing

1 service area?

2 MR. JENSEN: No.

3 PRESIDING OFFICER: Okay.

4 MR. JENSEN: I think there are portions --

5 PRESIDING OFFICER: No, that's okay. No.

6 That's -- I just wanted a yes or no. That's okay.

7 MR. JENSEN: Okay.

8 PRESIDING OFFICER: I mean that's helpful for
9 me understanding your legal interest.

10 I want to jump back to your reply. You have
11 asserted there, and you also said in your presentation,
12 something about Highlands' inadequacy to serve, and
13 that's my articulation. Specifically, though, in your
14 reply, there's an assertion that it is on information
15 and belief that Highlands does not have adequate fire --
16 fire flow capacity to service that area. What is the
17 "on information and belief" basis?

18 MR. JENSEN: Your Honor, I think actually that
19 is -- has progressed since we made our reply filing.
20 Highlands actually presented again at the December 6th
21 Morgan County Commission meeting, and there was -- there
22 was assertions in that meeting that I think really put a
23 fine point -- finer point on the inadequacy of the fire
24 flow, specifically that their tanks are -- are a
25 significant distance away. The only connecting -- the

1 only connector from those tanks to this particular area
2 is a 6-inch line, long distance, low diameter line. The
3 end result is that there is significant question about
4 the ability of providing fire flow in this particular
5 area.

6 In fact, anecdotally, there was a fire in this
7 area recently, and I don't know this for sure, but I
8 believe that the fire occurred within areas served by
9 Highlands Water Company, but when the fire department
10 came, they went ahead and connected to the hydrant on
11 Cottonwood Mutual Water's system to fight the fire
12 because there was significant concerns about whether
13 they could get enough -- enough flow and pressure to
14 supply the water needed to fight the fire. So --

15 PRESIDING OFFICER: Okay.

16 MR. JENSEN: Yeah. There's more evidence, and
17 if we really get -- you know, if we're allowed to
18 intervene, I think we can get -- we can provide
19 testimony to that effect.

20 PRESIDING OFFICER: Okay. To be announced.

21 Cottonwood Mutual Water Company -- they've
22 been mentioned by you here today. I'm sure Highlands
23 will have some mention of them. They have at least
24 commented on the docket, and they're kind of everywhere.

25 What is the petitioners', collective or

1 individual, views of what role, if anything, should
2 Cottonwood -- does Cottonwood Mutual -- Mutual Water
3 Company play in -- in this docket, as it relates to,
4 (a), the petitioners' legal interests, and/or, (b),
5 otherwise?

6 MR. JENSEN: So with respect to the
7 petitioners' legal interest that can be substantially
8 affected, I don't think Cottonwood Mutual is a necessary
9 party. As we sit here today, the only party capable of
10 providing water to this area is Mountain Green Mutual.
11 There may be some efficiencies to be gained by teaming
12 up with Cottonwood Mutual, and that may happen, but that
13 hasn't happened yet. And so, as we sit here today, the
14 interest that's at risk by this proceeding is Mountain
15 Green Mutual Water Company's.

16 PRESIDING OFFICER: Okay. Okay. I guess
17 we'll figure that one out later too.

18 I really appreciate everyone's patience on
19 these kind of pedantic questions, but there's a lot of
20 information here, and a lot of it is presented in a way
21 that has been difficult to follow. And so,
22 unfortunately, we have to take it slow, and that's what
23 we're doing.

24 I'm going to continue. So, Counsel, Highlands
25 has represented that it currently serves the bank on one

1 side of the parcel, and I'm just going to call it kind
2 of the bigger parcel of the three parcels in the middle
3 and then the dentist office on the other side. The
4 representation is that they do serve those -- those two
5 entities. Does either one of the petitioners dispute
6 that claim?

7 MR. JENSEN: No, Your Honor.

8 PRESIDING OFFICER: Okay. And so that they
9 are serving those locations currently, how does that, if
10 at all, impact Mountain Green's legal interest in this
11 docket?

12 MR. JENSEN: Yes, Your Honor. Do you mind if
13 I share my screen again? I think it would be helpful to
14 visually see --

15 PRESIDING OFFICER: Please.

16 MR. JENSEN: -- how this all plays out.

17 PRESIDING OFFICER: I'm going to ask the same
18 question about Villages. So if you're going to -- or
19 about Village. So if you're going to use the screen for
20 that purpose, you might want to use it for Village too.

21 MR. JENSEN: Certainly. So this carve out
22 right here is the bank.

23 PRESIDING OFFICER: Yes.

24 MR. JENSEN: Okay? This building right here
25 is what they're talking about -- is the dentist office.

1 PRESIDING OFFICER: Yes.

2 MR. JENSEN: So intentionally in mapping this,
3 we've specifically said, yeah, we're -- they're not
4 shareholders of our water company. We don't intend
5 to -- to serve them. They're already connected to
6 Highlands, and so that's fine.

7 Now, I think in the -- the response, there's
8 this idea -- this concept of, well, you know, we're
9 going to put a grocery store here in the middle. It
10 only makes sense that it ought to be Highlands.

11 Well, first of all, if you look at the scale
12 down here, this is 2,000 feet -- is, you know, that --
13 that distance there. So, I mean, we're -- we're well
14 over a thousand feet in between here. So there's -- you
15 know, there are some service lines here. There's a
16 service line to here. But in terms of this -- this area
17 in the middle, I don't think you can say it affects
18 anyone. There's obviously going to be -- and there
19 already is -- many different types of service line in
20 the old highway road here.

21 PRESIDING OFFICER: Okay.

22 MR. JENSEN: And there's not going to be any
23 effect on any of that. We'll get the blue stakes out
24 there. We'll make sure that the waterlines are
25 installed such that they don't interfere with anyone

1 else's water lines or other utility lines. That's all,
2 you know, controlled and in place. So I don't think
3 that there's a reasoning to say, hey, you ought to
4 just -- you don't have interest in having the right
5 water provider -- the water provider that you want for
6 this area.

7 Now, of course, then you look at the broader
8 area over here, which is all Soderby property, and then
9 the Village property over here. There's really no
10 reason why -- why Highlands should be providing the
11 water there.

12 And that, actually, is one of the things that
13 is a major concern with the -- the current
14 application -- or request, I should say -- the current
15 request to -- on the service area, because the
16 development agreement for the Soderby project is
17 outlined here in yellow. What Highlands has represented
18 is they have infrastructure to serve what's shown here
19 in blue, and so that's -- that's what you referenced as
20 attachment 2A.

21 PRESIDING OFFICER: Okay.

22 MS. SMITH: Is -- is what's outlined there in
23 blue. The red is the area that they might serve in the
24 future. So that's the difference. The red outline here
25 is the difference between their 2A and their 3A map.

1 And what's -- what stands out immediately is
2 that we've got a development agreement on an overall
3 project outlined in yellow, and currently Highlands has
4 asserted their ability to serve the things in blue and a
5 potential ability to serve things, in the future, the
6 things in red.

7 And that is a concern for Mountain Green
8 Mutual Water Company because it is -- again, it's the
9 company that's been tasked with making sure that there's
10 water -- water service for everything in yellow, and, in
11 fact, everything in green. So I think that, in and of
12 itself, those different boundaries and what they signify
13 identify an interest that petitioners have in ensuring
14 that the right -- you know, that they -- there's not
15 these piecemeal expansion such that there's a concern
16 that half of their project or two-thirds of their
17 project is without a water provider.

18 PRESIDING OFFICER: Okay. Thank you for
19 ending with that legal interest. That's helpful.

20 I want to stay with this map. If you wouldn't
21 mind, leave it up, and I'm going to jump ahead to a
22 question.

23 And, again, noting that I haven't yet talked
24 with Highlands and specifically about this notion of
25 current existing service area versus proposed expansion.

1 So let's -- let's put the proposed expansion on the
2 table for a second.

3 Let's say, hypothetically, that if -- if
4 they -- if Cottonwood's -- I'm sorry -- if Highlands
5 were to say, "Look, we really didn't mean expansion. We
6 just -- we just thought we could be there in the future.
7 You know, that might make some sense, but we're not
8 going to do that. We're not ready to do that." And I'm
9 not saying they've said that. Do not misunderstand me.
10 This is a complete hypothetical, everybody on this call.

11 But let's say, hypothetically, they say that,
12 and they say, "You know, we're really -- let's just --
13 what do we need to do to clarify our request? Would it
14 clarify our request if we just said, 'We are going to
15 only use -- we only want to determine uncertainty as to
16 what we have identified in our submission as 2A,
17 otherwise shown here on the blue, and that's all we
18 really want.'"

19 Hypothetically, if that were to happen,
20 what -- would that change the petitioners', one or both,
21 their legal interest specifically or generally as it
22 relates to this docket -- that -- this docket?

23 MR. JENSEN: I think it would change Village's
24 interest because Village -- Village's property is
25 entirely outside the -- the blue boundary. That said, I

1 think that there's a lot of -- I don't want to say
2 regional because it's still a fairly small area, but
3 there's collaboration. There's planning going on, and I
4 think it adds complexity that doesn't need to be there
5 if you have multiple water providers for a single --

6 Again, by way of background, Your Honor, right
7 now -- I don't know if you've ever been up to Mountain
8 Green.

9 PRESIDING OFFICER: I have.

10 MR. JENSEN: It's gorgeous. You've probably
11 driven up Trappers Loop to get to Snow Basin or
12 Pineview. There's no village center in Mountain Green.
13 There's a lot of houses and things, and then there's the
14 Sinclair gas station. Well, there's -- right now,
15 they're in process of putting a highway interchange, and
16 I'm going to get the location incorrect, but I think it
17 comes down through here and ultimately will connect with
18 I-84 here.

19 PRESIDING OFFICER: Yes.

20 MR. JENSEN: This area will ultimately become,
21 essentially, a town center for the Mountain Green
22 community, which has grown a ton over the last 10, 15,
23 20 years. And so I wouldn't say that that completely
24 gets rid of Village -- Village at Trappers Loop's
25 interest, because I do think they have an interest in a

1 robust town center with a water -- you know, a reliable
2 water provider and not to have things muddled up by
3 overlapping service areas that -- that can, you know,
4 confuse potential investors or buyers, or what have you,
5 in that area.

6 PRESIDING OFFICER: Okay.

7 MR. JENSEN: I will say if we're just talking
8 about the blue, yes, then I think Village's interest is
9 less because they're outside of that boundary.

10 PRESIDING OFFICER: But -- but not Mountain
11 Green's?

12 MR. JENSEN: Not Mountain Green, because
13 Mountain Green, I think -- exactly, Your Honor. I
14 think -- when you look at Mountain Green's interest, it
15 is -- its role is to -- is to take care of the interests
16 of its shareholder -- is to serve the interests of its
17 shareholders, one of which is Soderby. And I think
18 Soderby is the developer of that yellow boundary and has
19 a big interest in making sure that the water provider
20 for that project, the entire project, is Mountain Green
21 Mutual.

22 PRESIDING OFFICER: Okay. Okay. Thank you.
23 So given that, I've got to assume, but I'll ask -- that
24 you saw the response by Highland to Cottonwood's
25 objection. Was that -- it's actually titled "Response

1 to Mike Johanson with Cottonwood Mutual Water Company."

2 Are you familiar with that filing, Counsel?

3 MR. JENSEN: I did read that filing, and I'm
4 trying to remember if I read it -- I read it when it
5 came in, but I'm not sure that I read it in connection
6 with preparing this hearing. So it's not quite as
7 fresh.

8 PRESIDING OFFICER: That's okay. And I'm not
9 going to hold you to this, but I want -- what I wanted
10 to ask is if you had what your response to it was,
11 because what was provided in that response was, what I
12 believe -- and we can clarify this with Highlands -- is
13 the -- a representation, again, visually by map, of what
14 the ninth -- the February 25th, 1976, CPCN has filed
15 with the request by Highlands in this docket, where it
16 shows that area is.

17 And that area, as mapped -- and it looks like
18 there were three of the four parcels identified in that
19 CCPN -- CPCN that were mapped showing where that area
20 was. And relative to the map that you just took down,
21 it was right there in the middle. I think you referred
22 to it as Lee's Market, that area.

23 So if you're not familiar with that, I won't
24 ask you any questions about that, but if you are
25 familiar with that, I do have some questions.

1 MR. JENSEN: I'm looking at the -- I'm looking
2 to pull up the map now.

3 PRESIDING OFFICER: There's Exhibits A
4 through -- I think A through D -- no, maybe E. And,
5 specifically, its -- Exhibit A is just, again, another
6 copy of that CPCN that was filed with the original
7 request. Then there's an Exhibit B that I don't really
8 want to talk about now. It's Exhibit C, D, and E, maybe
9 F -- maybe even F. I think there's separate, and then
10 at the end is a -- here is both -- all three parcels on
11 top of each other.

12 MR. JENSEN: Just give me a second here. It
13 may be better if we address that on reply.

14 PRESIDING OFFICER: Okay. That's fine. We'll
15 do that.

16 MR. JENSEN: But let me just -- is -- is this
17 the map that -- that you're referencing?

18 PRESIDING OFFICER: Yeah. I -- no, that is
19 not. What I'd like you to do, if you can -- and if you
20 can't, that's okay. Because the question is what, in
21 light of this, does that do to your legal interest
22 argument?

23 But in the document, the filing that I'm
24 speaking of, there are Exhibits C, D, E, and F. C is
25 the mapping of one parcel that corresponds, I believe,

1 to the first entry in that CPCN and so on and so forth.
2 The fourth -- and I think it's Exhibit F -- then puts
3 all three of those parcels together, and it's an image
4 with the parcel lines. So it looks a little bit like
5 what you just put up but without the yellow and the red
6 and green lines.

7 But you're not familiar with that. I
8 appreciate your candor. So let's just park that for now
9 and move on, because I think the last question I have
10 for you was in reference to the -- the pending
11 application with the Division of Drinking Water on
12 behalf of Mountain Green. You had mentioned that in
13 your presentation. What's the status of that, and then
14 what, if any, affect does that application and its
15 status have on your claim of substantial legal interest
16 in this case?

17 MS. SMITH: So it's still pending before the
18 Division of Drinking Water. Currently, I think the only
19 issue outstanding is -- is source protection for some of
20 the wells -- for the wells. I believe that's the case.
21 So we're still working with some of the neighboring
22 property owners to -- to make sure that we can get the,
23 you know, source protection easements in place. And
24 once those are in place, then I think that's the only
25 obstacle currently holding up approval by Division

1 Drinking Water.

2 PRESIDING OFFICER: Okay. And then when --
3 when issued -- hypothetically, if issued, that's just
4 one more part of the overall plan of which you're saying
5 is the thrust of your substantial legal interest?

6 MS. SMITH: Correct.

7 PRESIDING OFFICER: Okay. Okay. I think
8 that's -- well, I don't think. For now, that's all I
9 have for Mr. Jensen. Thank you. Have a drink of water.

10 MR. JENSEN: Thank you, Your Honor.

11 PRESIDING OFFICER: Yeah. I'm going to move
12 over to Highlands now. And, Highlands, what I'm going
13 to do is invite you to give the presentation that you
14 were prepared otherwise to give, if you'd like. You're
15 also welcome to make statements or opine on any of the
16 questions I asked Mr. Jensen and his responses.

17 However you'd like to proceed. The floor is
18 yours. So please go -- go ahead.

19 MS. SMITH: Okay. Are we -- are we unmuted?
20 Can you hear us?

21 PRESIDING OFFICER: Yes, you are.

22 MS. SMITH: Okay. I felt like going into this
23 today that one of the important things to clear up is
24 the matter of the 2021 settlement agreement because,
25 although I think Mr. Jensen said today that may have

1 been overstated or something, it is -- it is -- in fact,
2 last night as I was going over things, I meant to count
3 how many times that settlement agreement is referenced
4 between the petition to intervene, the opposition to our
5 service area, and the application for the new water
6 company to have exemption. So that seems to be a very
7 big part of this -- of this proceeding.

8 And I would like to read from the settlement
9 agreement, which it does have a confidentiality clause
10 and was -- I don't know how -- how they could share what
11 they did, but it's been shared. So I feel like I can
12 read the exact paragraph.

13 PRESIDING OFFICER: Well, let me -- let me --
14 I'm sorry. Let me interrupt you for a second on that
15 point. Okay.

16 So this is a public proceeding. We have to
17 pretend that we're out in the courthouse and anybody can
18 walk in and out whenever they'd like. So while you know
19 at least who at the beginning had identified themselves
20 as being here from where -- from where they are coming
21 from, that's -- that was then. And so to the extent you
22 are going to make a decision to disclose something that
23 you've admitted is confidential, you're welcome to do
24 it, but you're welcome to do it at your own risk. I
25 don't know what that would be.

1 But I guess the bigger question would be is it
2 important on the issue of opposing what has been
3 represented as a significant legal interest in this
4 docket? And if so, then you're welcome to do whatever
5 it is you'd like to do. I just wanted to caution you.
6 Okay?

7 MS. SMITH: Thank you. Thank you.

8 PRESIDING OFFICER: You're welcome.

9 MS. SMITH: I'm only going to read what has
10 already been shared in the docket information by
11 Mountain Green Mutual Water Company's attorney.

12 PRESIDING OFFICER: Okay.

13 MS. SMITH: So nothing -- nothing -- well,
14 just a few more words that they didn't include. I'm
15 just going to read that paragraph, and it's already in
16 the docket material. So it's already been publicly --
17 if there's a breach, it's on their part. So I -- I
18 would just like to read that so that we can see exactly
19 what it says and it's -- like I said, it's in the
20 material already.

21 So it says, "To the extent the well agreement
22 could be construed to require Johnson to use Highlands
23 as the exclusive water provider for the Johnson property
24 described in the well agreement, Highlands expressly
25 relinquishes any claim that it is the exclusive provider

1 of water for the Johnson property described in the well
2 agreement."

3 So I would just like to assert that that does
4 not mean we cannot provide water, which is the
5 implication that the -- that the opposition has
6 presented -- is that that makes it impossible for us to
7 serve that property because of that statement.

8 I believe that the interpretation of that
9 statement is that we cannot claim to be the exclusive
10 provider, and we don't claim to be the exclusive
11 provider, and I'll address the comment that Bart made
12 about that in a moment, but it does not imply that we're
13 excluded from being a provider. It just says we are not
14 the exclusive provider.

15 So I'd like to just put that out there. Now,
16 Bart did make a comment in a Commission meeting just
17 kind of off-the-cuff and just -- we had just learned
18 that day that -- that really -- that we -- that we might
19 have a responsibility to serve that area because it is
20 in our service area. I -- I don't think that his -- in
21 fact, Bart can speak for himself if he would like, but I
22 don't think his intention was to say that we were -- we
23 were claiming that we would not allow anyone else to
24 serve that area.

25 Do you want to make any statement on what you

1 said?

2 PRESIDING OFFICER: Ms. Smith, I'll tell you
3 that I would not like to hear from anybody other than
4 one person on behalf of Highland, and you've -- you've
5 taken the -- taken the podium, and I'm going to have you
6 keep it.

7 MS. SMITH: Okay.

8 PRESIDING OFFICER: Unless, of course, there
9 was something extraordinarily pressing. Otherwise, I
10 would just like one spokesperson.

11 MS. SMITH: Okay. That's fine. Thank you.

12 PRESIDING OFFICER: Thank you.

13 MS. SMITH: Anyway, I believe that that was --
14 like I said, that was a statement. I didn't go back and
15 listen to the -- to the meeting to see if it's exactly
16 the way -- was said the way they said. My remembrance
17 of that -- my recollection of that is just that we said
18 we may need to be the provider because it's in our
19 service area.

20 At that meeting it was not clear at all who
21 would be the water provider for the Lee's Marketplace
22 project. It was very up in the air. And so we were --
23 we basically have just said, "We are able to provide
24 water to that project." We have not said that we
25 exclude anyone else from providing water.

1 So that's -- that's what I wanted to say on
2 that statement.

3 PRESIDING OFFICER: Thank you.

4 MS. SMITH: I think it's not proper to ask the
5 Public Service Commission to interpret that single
6 paragraph from the document in a court case that was
7 very complex. So -- so as far as that being the basis
8 for decisions made about whether or not Highlands can
9 serve that property, I think that needs to be excluded
10 because it is an interpretation. Their interpretation
11 is different than ours, and I really believe in my
12 interpretation.

13 Anyway -- okay. We have been -- Duane and his
14 partners in Lee's Marketplace have approached us
15 multiple times to serve Duane's property, and that --
16 oh, Mr. Johnson. Yes. I should say Mr. Johnson and his
17 partners in Lee's Marketplace.

18 In the 20 -- during -- during the 2020 lawsuit
19 that -- the settlement was in 2021 -- Duane Johnson came
20 into the office and demanded a will-serve letter for an
21 apartment complex on this property and --

22 PRESIDING OFFICER: Ms. Smith, let me
23 interrupt you on that. Is that Mr. Johnson his own
24 behalf, or is that Mr. Johnson on behalf of a specific
25 corporate entity?

1 MS. SMITH: Let me look at it.

2 PRESIDING OFFICER: And if you don't
3 understand the distinction, please, I'm happy to try to
4 explain the distinction.

5 MS. SMITH: It says Soderby LLC --

6 PRESIDING OFFICER: Okay.

7 MS. SMITH: -- requests Highlands Water
8 company to issue a will-serve. So yeah. I don't
9 understand all the difference between the entities.
10 So --

11 PRESIDING OFFICER: Okay.

12 MS. SMITH: I'll tell you that.

13 Again, after the lawsuit, Duane has approached
14 us about whether we would serve his property. So I'm
15 just stating these things because that seemed to --
16 that's an issue that was raised up, saying we shouldn't
17 have even asked because we should have known that
18 Mountain Green Mutual Water Company was going to serve
19 the project, and that has not been clear to me because
20 we have been approached.

21 And so, again, for us to -- so as we sent in
22 our request to update our service area, we did not know
23 it was going to create all these issues. We just put
24 the areas -- we just outlined the areas that we
25 currently serve and that area that we had the paperwork

1 that showed that it had been certified by the Public
2 Service Commission into our service area in 1976, and
3 that's the map that you referred to and -- and parcels
4 one, two, and three.

5 The fourth parcel, there is -- there is some
6 inaccuracies in the description that make it hard to
7 plot that one. I may be able to get that plotted, but I
8 didn't at this time. I just showed parcels one, two,
9 and three. I'm not sure what parcel four included, but
10 that does show that that was -- that is already in our
11 service area, and that's why it was included, not in an
12 attempt to exclude anyone or -- it just -- that's --
13 that's what our service area is.

14 So I've got notes that I've taken but --
15 PRESIDING OFFICER: That's -- take your --
16 take your time.

17 MS. SMITH: Thank you. Anyway, just don't
18 feel like it's improper for us to ask to have our
19 service area updated with simply those areas.

20 The map that you referred to with the blue
21 outline showing our future service area boundary -- that
22 is not -- that's not what we're trying to have recorded
23 or certified. It just might -- it just -- it was just
24 maybe that was helpful to show areas that we could
25 possibly serve in the area. We're not claiming to serve

1 those areas in any way. It's just areas that would
2 be -- that we could possibly serve.

3 The thing that we're asking to have updated
4 and certified now is simply the areas we currently serve
5 and that are currently certified in our service area,
6 and that is not an expansion. I don't consider -- it
7 keeps being referred to as an expansion and within the
8 community has been made to sound like we're trying to
9 grab area that is not ours. I don't --

10 PRESIDING OFFICER: Let me interrupt you for a
11 second, Ms. Smith. I just want to be clear on that. I
12 think that's helpful to know. So let me just restate
13 what I think you just said, and please say yes or no.

14 Really, what your application seeks -- the
15 request seeks to do at this point is memorialize what is
16 represented in what I earlier called Exhibit 2A, which
17 is the graphic or map representation with a red outline,
18 and that representation is, as you represent today, and
19 in your request, what you believe is Highlands' current
20 existing service area; is that correct?

21 MS. SMITH: Yes.

22 PRESIDING OFFICER: Okay. That was so
23 compound. You did a great job answering it.

24 MS. SMITH: Thank you.

25 Okay. Another question I have today is --

1 and -- anyway, Cottonwood Mutual Water Company has given
2 a will-serve letter to that property where Lee's
3 Market -- to Lee's Market, and I wanted to point out
4 that the area that -- yeah. It's at my desk -- the area
5 that -- that Mr. Jensen pointed out is a large area.
6 It's true that's a -- I mean, relative -- relative to
7 whatever you want to compare it to, but I would like to
8 point out that there -- that that is a six-lot
9 subdivision that fills the entire area. And that's what
10 is being -- that's what the request for a will-serve
11 letter is for the six-lot subdivision encompassing the
12 entire area, not just the Lee's Market grocery store.
13 And so that's what Cottonwood Mutual has given a
14 will-serve letter to serve that six-lot subdivision in
15 that area.

16 So it's very -- they're just -- that's a
17 conflict between what -- what -- and the entity -- like,
18 this is hard because the entities are interconnected,
19 the Cottonwood Mutual Water Company and the Mountain
20 Green Mutual Water Company. There's connections
21 between -- especially between the infrastructure that
22 they're claiming to be able to serve the project with.
23 It's the same tank and the same wells, and so it just is
24 so confusing about who is going to serve that, and
25 Mr. Jensen's made it very clear in his presentation that

1 Mountain Green Mutual will serve that, and yet
2 Cottonwood was asked for and given a will-serve letter
3 to serve it. So that's -- I would like to have that
4 clarified.

5 And then I'd like to speak to the information
6 and belief that Highlands Water Company lacks storage
7 and distribution lines, higher flow. I would like to
8 know where that information and belief comes from
9 because none of these entities have spoken to us or
10 looked into -- I don't know where that comes from.

11 But I will say that we do have more storage
12 and capacity to serve. We currently serve, as was
13 mentioned before, the bank and the dentist office. We
14 serve the subdivision on the other side of the road
15 that -- we serve those currently. They are wrong in
16 saying that we -- that the only thing that connects our
17 tanks is a 6-inch line. They do not understand our
18 system. It is not connected with a 6-inch line. We
19 have -- what -- 12 -- 14- and 16-inch lines that connect
20 our tanks with our system, not a 6-inch line.

21 And we've had -- we have fire flow tests that
22 show that our fire flow is adequate. The fire chief
23 just -- it meets the requirement, and the fire chief
24 just recently restated to us that he has flowed fire
25 hydrants all over our system, and they have all been

1 adequate.

2 So I think that statement is -- and they've
3 made it, and they've made it in Commission meetings, and
4 the Commissioner that is part of this firm, that
5 Mr. Johnsen belongs to -- Jensen belongs to, questioned
6 us about fire flow. I explained it and -- and --
7 anyway, I don't know why that is still being said,
8 because it is not true.

9 And, again, they have not come and talked to
10 us or seen our system or -- so I don't know where their
11 information and belief comes from, but it is inaccurate.

12 Cottonwood -- or Mountain Green Mutual Water
13 Company knowingly included in their service area, which
14 is -- I wish I had the ability to put things up on the
15 screen, but their -- the red -- they have submitted a
16 map with a red area that they said would be their
17 service area and that they know that part of the -- of
18 that service area is -- include customers that we --
19 that are currently our customers, and I will show that
20 the best I can.

21 Okay. So we -- we have customers in this area
22 right here.

23 PRESIDING OFFICER: Hold on one second,
24 Ms. Smith.

25 And, Mr. Jensen, if you're uncomfortable

1 agreeing with me about this, that's fine. That looks
2 like one of the exhibits that was submitted in
3 connection with your -- with Mountain Green's exemption
4 request, which was attached as an exhibit to your
5 intervention petition. And the specific exhibit, I
6 think, is going to be at the end as attachment to the
7 explanatory of four. Is that ringing a bell to you,
8 Mr. --

9 Ms. Smith, don't put that away yet. I didn't
10 want to interrupt you that way. It's just -- we've got
11 a court reporter who is trying to record what's being
12 done, and it's hard to do things that aren't otherwise
13 audible. So we need to explain it very pedantically.

14 MS. SMITH: Right.

15 PRESIDING OFFICER: So hold that back up
16 again, please, all the way to the screen.

17 MS. SMITH: Okay.

18 PRESIDING OFFICER: And don't -- don't say
19 anything. Let me just -- let Mr. Jensen take a look at
20 it. I guess it does look a little bit differently --
21 no, it doesn't. It looks exactly like what I have in my
22 hand.

23 Which, by way of orientation, Mr. Jensen, in
24 that application for exemption, the explanation with an
25 asterisk in the bottom of that map is that Highland

1 Water Company also provides water service in this
2 vicinity. That's the text at the bottom of that
3 exhibit.

4 MR. JENSEN: Yeah. I'm just looking to see
5 exactly -- I think it may be something that was
6 submitted to the Division of Drinking Water, not --

7 MS. SMITH: No. This is -- this is from the
8 Public Service Commission docket.

9 MR. JENSEN: Right. But as an attachment of
10 the application to the Division of Drinking Water, I
11 think, is where that map -- I think that that -- that
12 map has been refined based on -- on what we've -- based
13 on this proceeding. And so I -- the map that we
14 attached to -- that we attached to our -- our filings,
15 the one that I've been sharing on the screen, is the
16 more accurate map of where we anticipate servicing.

17 That said, we only can service our -- our
18 shareholders. So it's -- it's not a hard and fast
19 boundary. It's about where our shareholders live.

20 PRESIDING OFFICER: Yeah. And that's --
21 that's a good -- that's a good distinction that
22 everybody should not forget, for purposes of proceeding
23 going forward today.

24 Okay. So I am going to say that we can't get
25 an agreement on exactly what it is Ms. Smith is

1 referring to for the record, but, please, Ms. Smith,
2 continue as best you can with what you have.

3 MS. SMITH: Okay. I will say I'm looking at
4 the map that Mr. Jensen put up on the screen before
5 and -- and this, the red area right here, looks to me to
6 be identical to the green area on that map, which is
7 identified as Mountain Green Mutual Water Company's
8 service area.

9 So that -- that being said, do you mind
10 putting that map back up? I don't -- well, maybe if I
11 wouldn't -- it would be hard to -- for me to point.

12 PRESIDING OFFICER: I guess I've lost your
13 point. What is it that -- and this is maybe me not
14 having enough coffee. What -- what do you need these
15 maps to support by way of your argument?

16 MS. SMITH: I'm just saying that we have
17 current customers in these areas. This -- let's see --
18 this parcel right here -- we serve the home in that
19 parcel. We serve homes in this parcel, this part right
20 here. So I'm saying that within the service area that
21 they are claiming to serve, the area that they're
22 claiming to serve, we currently serve customers there.

23 PRESIDING OFFICER: Okay.

24 MS. SMITH: That, to me, is a problem.

25 PRESIDING OFFICER: Okay. And I think that

1 point -- I think you've made that point without
2 necessarily needing to refer to the map. So --

3 MS. SMITH: Yeah.

4 PRESIDING OFFICER: Thank you.

5 MS. SMITH: Okay. Thank you.

6 And, again, this map that they show -- it
7 show -- it does show Cottonwood Mutual in the blue. It
8 does not -- the only -- as you pointed out, the only
9 reference that it has to Highlands -- it does not show
10 our service area, and I believe it should have shown our
11 service area -- but it just says that because of the
12 settlement agreement -- again, it seems to be the key
13 point that they make -- that the settlement agreement
14 alters our original boundary and we can't serve it
15 because of the -- because of that.

16 So I -- I just think that our service area
17 should have been included in that map.

18 PRESIDING OFFICER: Okay.

19 MS. SMITH: We have been concerned about
20 having two or three water companies. As stated, we
21 already serve on both sides of that property -- on three
22 sides of the property. We have water lines that go
23 around three sides of the property in question and -- in
24 that six-lot subdivision. And so to have three water
25 companies -- Highlands, Cottonwood, and Mountain Green

1 Mutual Water Company -- all -- all having pipes in the
2 same area is a concern to us.

3 Okay. Let's see. And they have -- they have
4 acted very aggressively toward us in -- in -- in this
5 docket, and so that is a concern, because we will be --
6 we will be neighbors and be serving the same area -- or
7 close to the same area.

8 I -- I would like to go back to -- Mr. Jensen
9 led out with saying that there were two reasons that you
10 could become an intervenor -- and I don't know if I can
11 find that quickly enough. He said number one referred
12 to legal interests, and number two referred to something
13 about justice, and he said that because I didn't mention
14 that, I had conceded that point, and I don't even know
15 exactly what that point means. So I don't know whether
16 I conceded that or not.

17 But by not -- another assertion that they made
18 is that because in our -- in the map with the red
19 outline, our map with the red outline showing the
20 service area that we would like to have updated --

21 PRESIDING OFFICER: And that was referred to
22 earlier as your request attachment 2A?

23 MS. SMITH: Yes.

24 PRESIDING OFFICER: Okay.

25 MS. SMITH: 2A.

1 PRESIDING OFFICER: All right. Okay.

2 MS. SMITH: That because we -- because we
3 included that in that map and we didn't include the
4 other portions in that map of Mr. Johnson's property,
5 that implied that we were not able to serve that. That
6 is incorrect. The only reason the other part of his
7 property was not included is because we don't currently
8 serve it. It is not currently part of our service area,
9 and that's all that we were trying to establish -- is
10 our current service area. So I worry when they imply --
11 make implications like that.

12 Let's see. I'm just looking over my notes.
13 Okay.

14 As -- a water district was mentioned, that
15 there had been discussions about a water district. Just
16 a matter of point, we have not been involved in those
17 discussions nor invited to those discussions. So I
18 don't -- I'm not very familiar with that. I think that
19 that -- those are my main points.

20 I -- I don't know if this is my last chance to
21 speak -- if -- or if I get a chance after Mr. Jensen
22 speaks again, but all that I want, my bottom line is, I
23 would like my current service area to be updated and
24 certified and acknowledged.

25 And then if they would like to approach us

1 about having -- about serving that area that -- that is
2 in question, we will certainly talk about that. In
3 fact, that would have been a nice approach had that --
4 had they just, instead of creating all of this
5 confusion, to just come to us and say -- because we're
6 not -- we don't have to serve that area. We have plenty
7 of customers. That's not contingent on our success as a
8 company to serve this area. We just were trying to
9 certify our service area. And if they would like to
10 come to us and talk to us about serving that area, we
11 would be willing to talk about that.

12 We're not -- we're not saying we are the --
13 that we have to serve that, that we are the only ones
14 that can serve it. We're willing to look at -- at other
15 interests, but I would just like our service area to be
16 recognized and move forward from there.

17 And I -- and I am concerned about the -- about
18 the disparaging comments that they have made about our
19 ability to serve and -- anyway, that's -- that's --
20 that's what -- that's where I am at. I would just like
21 to have our area certified, and if they want to talk to
22 us about other issues, then -- then that's fine. And I
23 think the issues between Cottonwood and -- and Mountain
24 Green Mutual can be worked out between them.

25 That's -- but the map -- oh, I did want to say

1 one more thing. The map that you referred to and
2 Mr. Jensen brought up, let me pull up that map as well.
3 This is -- this is the map that he brought up, and it
4 actually -- it actually is the map that shows the
5 parcels. It just also shows that -- that this is the
6 area -- I believe it shows that -- it shows where we --
7 some of our service areas in connection with that area,
8 but that -- that does show the three parcels that are --
9 that, since 1976, have been included in our service
10 area.

11 PRESIDING OFFICER: And, Ms. Smith, could you
12 be more specific in identifying for the benefit of the
13 court reporter and everybody else what it is you're
14 referring to by way of a map? That is, where did it
15 come from? What was it filed with? Where can we find
16 it if we want to look at it?

17 MS. SMITH: Yes. Okay. Let me -- I believe
18 that that was filed -- I believe that is with the
19 Cottonwood -- the -- my response to Cottonwood Mutual
20 Water Company's opposition.

21 PRESIDING OFFICER: Okay. So that testimony
22 you just told us that it may or may not be -- it didn't
23 tell me it is, and it also didn't tell us where in that
24 filing because there's multiple maps in that filing.

25 MS. SMITH: Okay. I'm sorry.

1 PRESIDING OFFICER: That's okay. No. That's
2 okay. Just take your -- take your time. We just
3 want -- we just want people to understand later when
4 we're not all sitting here --

5 MS. SMITH: Right.

6 PRESIDING OFFICER: -- what it is we're
7 talking about.

8 MS. SMITH: Yes. Right. Let me see if I can
9 pull that up so that -- if I can pull this up and tell
10 you and clarify that better.

11 PRESIDING OFFICER: Okay.

12 MS. SMITH: Yes, I understand your point.

13 PRESIDING OFFICER: This is what I'm going to
14 propose. I'm going to propose we take a small short
15 break. We've been going at this for a while. So I'd
16 like to take -- I'd like to a break. I'm going to say
17 six minutes because my computer says 11:44. Let's
18 circle back at 11:50, and at that time, Ms. Smith, maybe
19 you'll be able to orient us better on your last point.
20 And then I would like to begin asking you a few
21 questions so we can keep moving this along. Okay?

22 MS. SMITH: Thank you. Yes.

23 PRESIDING OFFICER: Okay. We'll come back in
24 six minutes, maybe five. 50. See you soon.

25 (Recess taken from 11:44 to 11:50.)

1 PRESIDING OFFICER: Okay. We are back on in
2 Docket Number 23-010-01, oral arguments on the petition
3 for intervention by Mountain Green Mutual Water Company
4 and Village at Trappers Loop LLC.

5 I anticipated this hearing would take a while.
6 It's taking a little longer than I anticipated. So
7 thanks, everyone, for your patience. I hope that break
8 was refreshing. I'd like to pick it back up where we
9 left off, which was Ms. Smith was going to try to better
10 clarify and articulate where this exhibit she was
11 talking about was coming from.

12 MS. SMITH: I did -- I -- I just found the
13 map -- not the map that I had made the circles on, but I
14 did find the map. It's Exhibit F that I think is
15 sufficient that shows the parcels, the three parcels --

16 PRESIDING OFFICER: Exhibit F to what?

17 MS. SMITH: It's Exhibit F to my response to
18 Cottonwood Mutual Water Company's protest.

19 PRESIDING OFFICER: Okay. Thank you.

20 MS. SMITH: So I think that's sufficient.

21 I -- I did remember one other point that I
22 wanted to make that Mr. Jensen brought up, the recent
23 fire, and that it -- it's confusing to me because there
24 was a fire -- there was a fire. It was in Cottonwood
25 Mutual Water Company's area, and it was their fire

1 hydrant that was used. It had nothing to do with our
2 area. So I don't know what -- I don't know what he
3 meant by that. They did not -- they did not hook up to
4 a Highland Water Company hydrant and then have to hook
5 up to a Cottonwood. That fire was all within Cottonwood
6 Mutual Water company. So I -- I don't understand what
7 he was talking about. There was nothing to do with us
8 in that fire.

9 PRESIDING OFFICER: Okay. Anything else,
10 Ms. Smith, before I ask some questions of you?

11 MS. SMITH: No. Go ahead.

12 PRESIDING OFFICER: Okay. No. Thank you.

13 One thing I want to begin with, though, is,
14 you know, Ms. Smith, at the end was talking a lot about
15 there's been no discussions amongst the parties. That's
16 up to you all. You know, I will say as an outside
17 observer, this -- this -- there's a lot of moving parts
18 here. This is already semi-complicated and could become
19 very complicated, and that's okay. That's how things
20 go, but I do encourage parties to at least have dialogue
21 so that people aren't guessing incorrectly what the
22 other party may or may not be doing. I've always found
23 that I like to be -- at least know if my guess is wrong
24 or right.

25 But in any event, we encourage you guys to

1 have whatever discussions it is that you think are
2 appropriate. I'm certainly not ordering you or
3 mandating you, but because it was broached, I thought I
4 would chime in that it doesn't ever seem like a bad idea
5 to me.

6 But with that being said, I want to talk with
7 Ms. Smith about Highlands' initial request. One of the
8 issues here -- so the big issue here is Mountain Green
9 and Village meeting its burden to show why it should be
10 at this party. Well, that's contingent a little bit on
11 some of the things that you have filed or that have been
12 filed -- pardon me -- on behalf of Highlands, and so I
13 want to start with the actual request filing. Okay.

14 So the first -- and I'm going to just run
15 through it because I don't know if some of these things
16 are intentional or not, and if they are, that's fine.
17 If they're not, we want to get it fixed.

18 So there is a reference immediately in the
19 cover letter which we'll characterize that as "the
20 request." That's a cover letter dated September 20,
21 2023, and it makes reference to a CC -- to a CPCN 1520.
22 It's in the "re" line. So the second -- right -- the
23 letter, the word, r-e.

24 Where is that certificate of convenience and
25 necessity? Do you have a copy of that?

1 MS. SMITH: Yes, we do have a copy of that.

2 PRESIDING OFFICER: Okay. Okay. That's okay.

3 Just -- that's okay. Just answer the question yes.

4 That's okay. Because that might be useful.

5 MS. SMITH: Okay.

6 PRESIDING OFFICER: And then it continues to
7 say that -- the last sentence of the first full
8 paragraph -- it says, quote, "Service area expansions
9 were granted to Highlands in the following
10 proceedings:" -- do you see that?

11 MS. SMITH: Okay. Yes.

12 PRESIDING OFFICER: Okay. And then there's
13 nothing that follows that. What -- what proceedings --
14 the use of a colon tells me, as a reader, that you're
15 about to list a bunch of things that proceed the colon,
16 which is the proceeding numbers. They're not listed
17 here. So my question is -- am I missing something? Was
18 that unintentional?

19 MS. SMITH: That was unintentional. I -- we
20 do have case numbers here that -- that show that areas
21 were -- had been added to our service area over the
22 years.

23 PRESIDING OFFICER: Okay. I'd like you to
24 read into the record right now those docket numbers
25 because, otherwise, they would have -- or should have

1 been in your initial filing.

2 MS. SMITH: Okay. There is -- let's see --
3 Case Number 5572, and that was amended the following
4 year, Case Number 5572 Sub-1. And then the '76 one --
5 that is -- has been -- I can give you that case number.

6 PRESIDING OFFICER: Well, the '76 one is
7 attached as an exhibit; correct?

8 MS. SMITH: Yes.

9 PRESIDING OFFICER: Okay. So that's 5572
10 Sub-2 and Sub-4?

11 MS. SMITH: Yes.

12 PRESIDING OFFICER: Okay.

13 MS. SMITH: Yeah.

14 PRESIDING OFFICER: Are there any other cases
15 or dockets which you meant to include after your --
16 after that colon in this filing?

17 MR. JENSEN: Your Honor, just if I could
18 interject really quickly. At least in the letter, it
19 says 1520 Sub-2 and -4 for the 1976 filing.

20 MS. SMITH: Oh, is that --

21 PRESIDING OFFICER: Well, Mr. Jensen, good
22 catch. That was one inconsistency I didn't pick up on.

23 MS. SMITH: Okay. Yeah.

24 MR. JENSEN: I just wanted the record to -- to
25 be clear.

1 PRESIDING OFFICER: Well, I think it's good
2 because this is helpful because these are supposed to
3 establish what looks like attachment 2A.

4 MS. SMITH: Yeah. That's a mistake. Sorry.

5 PRESIDING OFFICER: What -- so explain
6 specifically what the mistake is. Is that that
7 attachment one --

8 MS. SMITH: Attachment -- yeah. Attachment 1
9 CCN -- oh, wait. Well, I -- it was CCN number -- that's
10 our -- that 1520 is our -- it should have said Case
11 Number 5572 Sub-2 and Sub-4.

12 PRESIDING OFFICER: Okay. Okay. And, you
13 know, these are just housekeeping matters. I have a
14 couple others.

15 The next full paragraph -- and I think this is
16 important. I think it's been cleared up a little bit,
17 but I'm not quite sure how finally it's been cleared up,
18 but it reads, "We are requesting that the service area
19 descriptions and maps be updated to reflect Highlands'
20 current infrastructure, service area and immediate
21 planned extension of infrastructure and service areas."

22 So my -- my question is -- and then you say in
23 your opposition to the petition for intervention, your
24 in-line comments, because the way you responded to that
25 opposition was you provided what we call in-line

1 comments, redline --

2 MS. SMITH: Right.

3 PRESIDING OFFICER: -- whatever, on the
4 document that was submitted.

5 You say that Highlands has not requested to
6 expand its service area, and so I'm trying to
7 reconcile -- I mean, I know what you said today, but
8 when I read your request -- and I think Mr. Jensen's
9 client was also probably under the same understanding --
10 that it looks like you want to do two things.

11 One is you want to make clear where you think
12 your service area is, and then, two, you also want --
13 you want an okay to do an immediate planned extension,
14 which sounds to me like expansion.

15 So what are we misunderstanding based on your
16 language in the actual request?

17 MS. SMITH: Okay. The projected service
18 area -- let's see. We immediate -- I -- all I -- I
19 just -- we honestly were -- we put -- we put our current
20 service area in there, and -- and it was suggested by
21 the Public Service Commission that we add the projected
22 service area, and I -- I -- honestly, I just -- like,
23 I'm not an attorney, and I should have been -- I -- this
24 is -- I -- this is confusing, and I just can say that I
25 did not -- I did not expect it to be this big of deal.

1 PRESIDING OFFICER: Okay.

2 MS. SMITH: And I wasn't as careful as I
3 should have been or had an attorney write this. It just
4 is my -- yeah. I -- I understand what you're saying,
5 and I agree. It's confusing.

6 PRESIDING OFFICER: Okay.

7 MS. SMITH: I would like to go by what I said
8 today, that I don't care about the expansion. That's
9 just what's possible.

10 PRESIDING OFFICER: Okay. So let me stop you
11 for a second. First of all, have you -- have you --
12 have you engaged legal counsel at all in -- on this
13 docket in any way?

14 MS. SMITH: A few questions to our attorney is
15 all.

16 PRESIDING OFFICER: Okay. Okay. That's
17 helpful to know because what I don't know is how -- how
18 we're going to correct this, and I'm not going to say
19 anything about it now, but at the end of the day, your
20 cover letter serves as a request, and basically it's
21 your way of talking to us, saying, "This is what we're
22 requesting of you." Okay?

23 And then Mr. Jensen and his clients get this,
24 and they say, "Okay. This is what they are requesting."
25 And the way it's written and my interpretation of it I

1 think is consistent what I believe Mr. Jensen's clients
2 interpretation of it was, was that you want two things:
3 One is let's just get our current existing area
4 established. And then from that, let's let you know
5 where it is we are going to go so we want you to let us
6 go when we go there.

7 And that -- that was my interpretation, and
8 what I'm hearing you say now is, no, it's really just
9 the first component. We just really want clear where it
10 is that we think we are, and we don't care about the
11 second part.

12 MS. SMITH: Mm-hmm.

13 PRESIDING OFFICER: Okay. Because this is a
14 pleading environment, we may need to have you amend your
15 submission on that point so that anybody not at -- part
16 of this call -- for example, Cottonwood -- might look at
17 this and have a different view of what's at stake, but
18 I'm going to park that from now. Now that I have your
19 understanding generally, that's something I'll need to
20 decide on how we're going to go, procedural.

21 MS. SMITH: Can I ask -- is the Mike that is
22 listed here -- is that Mike Johanson from Cottonwood?

23 PRESIDING OFFICER: I don't know. Mike, would
24 you identify yourself?

25 MR. JOHANSON: Yes. I'm Mike Johanson --

1 PRESIDING OFFICER: Okay.

2 MR. JOHANSON: -- from Cottonwood.

3 PRESIDING OFFICER: Okay. Well, whether or
4 not Mr. Johanson is here, he's not a party. So -- so he
5 may decide that he wants to try to become a party or
6 something to that effect.

7 Mr. Johanson, I'm glad you're with us today.

8 Okay. I've got to continue, again, because I
9 can't -- I can't tell you enough how important this
10 submission is that you've provided because it sets the
11 stage for everything that we've been doing since you've
12 provided it. So I want to make sure it's very clear.

13 Okay. So working through it, we then have
14 four bullet -- or three bullet points at the end of that
15 cover letter, and the first -- the first bullet point
16 references an Attachment 1, and that is what is titled,
17 in essence, Case Number 5572 Sub-2 and Sub-4. It has an
18 issuance date of February 25th, 1976, and it makes
19 reference in paragraph 1 under findings of fact to
20 different case numbers.

21 Do you see that?

22 MS. SMITH: Yes.

23 PRESIDING OFFICER: As you read off the cases
24 that you thought would follow the colon as we earlier
25 discussed in your letter, you seem to list all of these

1 except for Case Number 6328. Do you see that in that
2 paragraph 1?

3 MS. SMITH: Yes.

4 PRESIDING OFFICER: Okay. Is that another
5 case where --

6 MS. SMITH: Well, I believe that was a rate
7 increase case. So it -- because it wasn't a service
8 area case, I didn't think it applied.

9 PRESIDING OFFICER: Okay. Okay. Then staying
10 on Attachment 1, I will note that pages 4 and 5 are
11 missing from what was filed. Was that intentional or
12 was that accidental?

13 MS. SMITH: I -- 4 and 5.

14 PRESIDING OFFICER: And when I say that, what
15 I'm looking at myself is that which I have gotten off of
16 the docket which reflects that which was submitted by
17 the filer, you --

18 MS. SMITH: Right.

19 PRESIDING OFFICER: -- or your company, and it
20 is missing pages 4 and 5.

21 MS. SMITH: I can tell you I did not look at
22 the page numbers. That's all that's in my -- I can look
23 through our files and see if there is -- if there is a
24 document that shows 4 and 5. I'm wondering if --
25 because I know that missing from this are the maps that

1 it refers to, some maps, and I have not found the maps
2 in any of the old papers that we have, and I wonder if
3 that was page 4 and 5, but I didn't look at those page
4 numbers to see that that -- that those were missing.

5 So --

6 PRESIDING OFFICER: Okay. Well, I think it
7 would be beneficial for us to have a complete copy of
8 that which you are relying on, at least partially, in
9 trying to establish that which you represent is in
10 Exhibit 2A to establish your existing area, because,
11 again, it's that which has provoked Mountain Green and
12 Villages to have an interest to be here today in front
13 of us.

14 MS. SMITH: Okay.

15 PRESIDING OFFICER: So the accuracy of that is
16 important.

17 MS. SMITH: Yeah. I will try to find that. I
18 will say that in -- in looking -- in the looking that
19 I've done previously, I -- this is all that I found, but
20 I'll try to find -- I'll try to find that with page 4
21 and 5 included.

22 PRESIDING OFFICER: Okay. And you anticipated
23 another question I was going to have, which is the
24 reference to a map, which, of course, I don't see a map
25 with that filing, and your testimony was that you, too,

1 don't know where that map is?

2 MS. SMITH: I have not seen it -- it with
3 maps, and that's why I hired someone to -- to draw a map
4 from the legal descriptions given --

5 PRESIDING OFFICER: Okay.

6 MS. SMITH: -- because that was all that we
7 had.

8 PRESIDING OFFICER: Okay. And then on that
9 point, when you say draw maps, I want to focus on -- I'm
10 jumping ahead here. I want to focus on what I've
11 characterized as Exhibit 2A, and that's the visual
12 representation or a map representation with the red
13 borders. Are we on the same page about where I am?

14 MS. SMITH: Yes.

15 PRESIDING OFFICER: Okay. And it seems to me
16 that that map purports to represent, graphically, that
17 which is in Attachment 2, which is actually the legal
18 description -- non-graphic legal description of the --
19 of the locations; is that accurate?

20 MS. SMITH: Yes.

21 PRESIDING OFFICER: Okay. And so you just
22 said you hired somebody to make a map. Did you hire
23 somebody to make this 2A and 2 map?

24 MS. SMITH: Yes. Our engineers -- our
25 engineer company made these two maps. The other map --

1 PRESIDING OFFICER: Let's just -- let's just
2 stay -- let's just stay on 2 and 2A.

3 MS. SMITH: Okay. Yes. Those were done by
4 our engineering company.

5 PRESIDING OFFICER: Okay. And they did that
6 for purposes of this -- this -- this docket?

7 MS. SMITH: Yes.

8 PRESIDING OFFICER: And from where did they
9 get the information to plot these coordinates?

10 MS. SMITH: From us.

11 PRESIDING OFFICER: And what -- what did you
12 give them?

13 MS. SMITH: Well, we -- I don't know. What
14 did we give them? We gave them -- they have records of
15 the areas that we serve. So they -- they have those
16 records, and then we gave them this page that shows --
17 that shows the other. I didn't -- there are other --
18 like those other case numbers that we talked about that
19 have legal descriptions, but I didn't give those to them
20 because that is already included in where we serve.
21 Just this one was not --

22 PRESIDING OFFICER: Ma'am -- ma'am, excuse me.
23 When you say "this one," what -- what is "this one"?
24 What are you talking about? 2A?

25 MS. SMITH: Well -- okay. I'm sorry. Okay.

1 PRESIDING OFFICER: That's okay. And,
2 remember, 2A is what you attached to your initial
3 filing, and it's got the red outline of the territory.

4 MS. SMITH: Yes. So 2A -- for 2A, we -- our
5 engineers have the information about our current
6 customers. So they used that and -- and, yeah, probably
7 used county plat maps to get those legal descriptions.
8 They did have a copy of the -- the exhibit that we've
9 been talking about. I was just saying they -- I did not
10 give them copies of the other case numbers because
11 that -- those areas have been -- are included in the
12 customer lists that we already have, the customer areas
13 that we already have.

14 PRESIDING OFFICER: Okay.

15 MS. SMITH: Does that make sense?

16 PRESIDING OFFICER: Yeah, it does make sense.
17 And for purposes of where we are, again, what I'm trying
18 to test is the legal interest that these folks claim
19 they have and if there's a problem with the accuracy of
20 what I'll refer to as -- what I have referred to as
21 Exhibit 2A to your filing.

22 You heard Mr. Jensen. I asked him a question
23 if he thought Exhibit 2A was an accurate representation
24 of Highlands' current existing -- pardon me -- service
25 area, and the answer was, no, that he does not, or his

1 client does not believe that. And so, ultimately, in
2 the -- in the case, depending on where it goes, that
3 needs to be established that that, in fact, is accurate.

4 MS. SMITH: Okay.

5 PRESIDING OFFICER: That being said, that's
6 why I wondered where did this map come from? Because it
7 had to come from somewhere. And the coordinates, as you
8 just explained, could have come from a number of
9 different sources, one of which would likely be
10 authorization from the Commission over the years to
11 expand your or Highlands' service area boundaries.

12 MS. SMITH: Right.

13 PRESIDING OFFICER: Okay. So in any event,
14 what we -- what we know is that this map has not been
15 conceded to by the petitioners as accurate, and,
16 therefore, the accuracy of this map doesn't seem to play
17 into their legal -- to any concern about their legal
18 interest, because you say it's this. They say it's not.
19 They say they're going to be in this area. So we can
20 move off of this -- this particular topic.

21 MS. SMITH: Okay.

22 PRESIDING OFFICER: I did want to know --
23 there's a reference in this Attachment 1 to a place
24 called Wagon Wheel Trailer Court. And the reason I'm
25 curious about this is because I know, as a Utahn, that

1 sometimes places get names and that lives for
2 generations -- those particular names. And I wondered
3 if, institutionally, you have any understanding of where
4 the Wagon Wheel Trailer Court is, if it still exists, or
5 was.

6 MS. SMITH: Yes. The Wagon Wheel -- I'm
7 not -- I don't know exactly where you're talking about
8 that it referred to that, but the Wagon Wheel property
9 is where the Lee's Market area is.

10 PRESIDING OFFICER: Okay.

11 MS. SMITH: That used to be the Wagon Wheel
12 property.

13 PRESIDING OFFICER: Okay.

14 MS. SMITH: And -- yeah. It's not -- yeah,
15 it's no longer there, obviously.

16 PRESIDING OFFICER: Okay. But its name lives
17 on, you see? I'm not the only one who knows the --

18 MS. SMITH: Right, right.

19 PRESIDING OFFICER: Okay. Moving on. I know
20 you're not a lawyer, and I know you're not a -- I don't
21 know this. I assume you're not a surveyor, but I want
22 to know what your testimony would be to this question.

23 What specific city or town is Highlands'
24 service area in as represented by Exhibit 2A?

25 MS. SMITH: Unincorporated Morgan County.

1 There's no city.

2 PRESIDING OFFICER: And there's no township?

3 MS. SMITH: No.

4 PRESIDING OFFICER: Okay. Would your answer
5 be the same to that question, if I were to ask you if,
6 with regard to Exhibit 3A, which is the expansion or
7 extension item?

8 MS. SMITH: Yes, that's also in unincorporated
9 Morgan County.

10 PRESIDING OFFICER: Thank you. So another
11 housekeeping piece. In your -- in Highlands' response
12 to the petition to intervene -- and that was the one
13 where you put inline comments on the actual document
14 that was submitted by the petitioners -- you attached an
15 exhibit, and it was -- it's titled on our docket as
16 "Exhibit F - HWC All Parcels Marked."

17 MS. SMITH: Yes.

18 PRESIDING OFFICER: And what I want to ask you
19 is, with respect to that exhibit, I have no
20 understanding of the green -- the two green circular
21 lines and then the red line in the middle. And I'll
22 give everybody a second if they want to grab that to
23 refer to it while we're talking about it.

24 MS. SMITH: Okay.

25 PRESIDING OFFICER: So -- so, Mr. Jensen, do

1 you see what I'm talking about?

2 MR. JENSEN: If you give me just another ten
3 seconds, I'll have it.

4 PRESIDING OFFICER: Well, that's fine. I want
5 you to have it as well.

6 MS. SMITH: This is the map that he put up
7 previously.

8 PRESIDING OFFICER: No, this is not. This is
9 a map that has lines that are on that that were not -- I
10 don't recall seeing earlier.

11 MS. SMITH: Okay.

12 MR. JENSEN: I have it now.

13 PRESIDING OFFICER: Okay. Thank you.

14 So, Ms. Smith, my specific questions are this.
15 On that map, there are two kind of oblong or circular
16 green lines: One on the left side of the document and
17 one on the right side of the document. Do you see those
18 lines?

19 MS. SMITH: Yes.

20 PRESIDING OFFICER: What's the intent of those
21 lines? I don't see a reference to them anywhere.

22 MS. SMITH: Well, let me see. I think -- did
23 I -- did I put any explanation?

24 PRESIDING OFFICER: I couldn't find one. I'm
25 sorry. And if you can point it out to me in the inline

1 comments, that would be great, but I couldn't orient
2 myself between the two.

3 MS. SMITH: The green on the -- the bigger
4 green circle is -- is just current customers.

5 PRESIDING OFFICER: Okay.

6 MS. SMITH: And -- and the green on the other
7 side is also a current customer.

8 PRESIDING OFFICER: Okay.

9 MS. SMITH: And -- and they -- they just were
10 areas that were included in their service area that we
11 actually have customers.

12 PRESIDING OFFICER: Uh-huh.

13 MS. SMITH: Actually.

14 PRESIDING OFFICER: Okay. And then the red --
15 the red line -- there's a red circle in the middle.
16 It's --

17 MS. SMITH: Right. And it -- yeah. And it
18 says "Rough area of Lee's Market."

19 PRESIDING OFFICER: Yeah.

20 MS. SMITH: So he's marking that.

21 PRESIDING OFFICER: Oh, so the red line
22 corresponds to the rough area of Lee's Market?

23 MS. SMITH: Yes.

24 PRESIDING OFFICER: Okay. Thank you.

25 All right. Hitting the home stretch here.

1 Is Highlands aware -- we've been talking about
2 this a little bit with Mr. Jensen, but is Highlands
3 aware of Mountain Green's pending application for
4 exemption?

5 MS. SMITH: Yes.

6 PRESIDING OFFICER: Okay. Is Highland
7 planning on doing anything in the face of that
8 application?

9 MS. SMITH: I have not decided yet.

10 PRESIDING OFFICER: Okay. That's -- that's
11 okay. You don't -- you don't need to. That's -- you
12 don't need to. In case you talk to a lawyer or anything
13 like that. You don't need to worry about telling me
14 why.

15 MS. SMITH: Okay.

16 PRESIDING OFFICER: Okay. The last question
17 I'll ask you is the 2007 agreement between Soderby and
18 Highlands -- that seems to not be -- I mean, that's the
19 well agreement, and, you know, it's addressed. We've
20 talked about this a little bit, but I'm not real clear
21 on the distinction between the two, the two being the
22 April 2021 agreement and the 2007 agreement. There's
23 been discussion about the 2021 agreement.

24 What, if any, effect does the 20 -- or the
25 2007 agreement have from Highlands' perspective on this

1 docket?

2 A. The 2007 well agreement was -- it included --
3 I don't know if I have it. Will you see if
4 it's in this file right here?

5 It's -- it was an agreement between Duane
6 Johnson or Soderby -- I don't know which entity. It may
7 have been listed as Soderby -- about the -- our -- our
8 well was drilled on his property, and the original
9 agreement stated that he would receive 50 percent of the
10 water, half of the water, from that well, and we would
11 have an easement to the well and would serve his
12 property from that well.

13 PRESIDING OFFICER: Okay. And you used the
14 phrase "original agreement." What -- what is that? Is
15 that the 2007 agreement?

16 MS. SMITH: Yes. I'm sorry.

17 PRESIDING OFFICER: Okay. Because I'm trying
18 to understand the distinction between these two, and
19 I've kind of been operating on an assumption that the
20 2021 agreement folded in some issues relative to the
21 2007 agreement, but I don't know that. I don't -- I
22 don't know that.

23 MS. SMITH: Right. So he -- he sued -- he
24 sued the water company, and the 2021 agreement was the
25 settlement of that lawsuit concerning the well

1 agreement.

2 PRESIDING OFFICER: Which I have -- I keep
3 referring to it as the 2007 agreement, but that's one
4 and the same; correct?

5 MS. SMITH: Yes.

6 PRESIDING OFFICER: Okay. Sorry, Brooke. I'm
7 confusing you.

8 (Reporter clarification.)

9 PRESIDING OFFICER: Okay. Last question for
10 you is what, if any, role do you see Cottonwood Mutual
11 Water Company playing in this whole situation in any
12 way, shape, or form? And this is informed. I know you
13 may not have facts. I just need to know what your view
14 is about Cottonwood's role or non-role in this whole
15 thing.

16 MS. SMITH: I think that -- it -- I guess it's
17 confusing to me as well because the two -- with the two
18 water companies. I believe that, originally, Rulon
19 Johnson -- Gardner -- I'm sorry. I'm nervous -- Rulon
20 Gardner was the owner of Cottonwood Mutual Water
21 Company. I don't know exactly what his role is now. He
22 is a principal in Mountain Green Mutual Water Company.
23 He's the -- as has been understood and established.

24 I -- I -- I think that if -- these are just my
25 opinions. I'm not -- I'm not informed on their -- on

1 them at all, but I -- just observations and things that
2 I understand -- or think I understand. I think that
3 if -- I believe that if Mountain Green Mutual Water
4 Company doesn't get approval soon enough, they want to
5 use Cottonwood Mutual Water Company to serve Lee's
6 Market.

7 Lee's Market has already started construction
8 by getting exemptions from the county, and they really
9 are at a point they have to have a -- they really need
10 to have a water company with a will-serve -- you know,
11 with a valid will-serve.

12 I think that my understanding is that Mountain
13 Green Mutual Water Company has given a will-serve, but
14 because they're not an approved water company, they
15 have -- it has not been accepted by the county. My
16 understanding is that recently Cottonwood Mutual Water
17 Company gave a will-serve to serve Lee's Market and the
18 surrounding lots.

19 And so -- and yet, in this proceeding, they
20 said that definitely it's going to be Mountain Green
21 Mutual. So I don't know if they're just using
22 Cottonwood to get a will-serve so that they can move on
23 and then they'll -- and then they will then become the
24 water company. I don't know.

25 And as far as relating to my service area, I

1 don't -- I know that -- that Cottonwood has a map
2 that -- that they, you know -- and have -- have had
3 maps -- I've seen maps, different ones, over the years,
4 where they have said, "This is our service area," but I
5 also know that they -- that without customers there -- I
6 don't know. Anyone can draw a -- a circle and say,
7 "This is our" -- draw a line and say, "This is our
8 service area." So I -- I don't know.

9 If they end up being the water provider for
10 Lee's Market and it -- and it is in our service area,
11 then, again, we can work with them. I --

12 Let me think if there's anything else that
13 I -- I think is relevant. Just -- I know Cottonwood put
14 a -- they did put a line in last year with a fire
15 hydrant into that -- a little bit into that area.

16 I -- as far as their role in protesting our
17 service area, I did have -- I did have a question
18 because there was -- because of the statements made
19 that -- that they will take our -- that Mountain Green
20 Mutual Water Company will take our customers when they
21 become a water company -- will take the customers that
22 we now serve in that area.

23 And I know that Mike Johanson, in his --
24 Cottonwood's protest, was concerned about the
25 property -- referenced the property where the Roam

1 subdivision is across the road. I don't know if they
2 are planning to try to take those customers from us as
3 well. I don't know.

4 PRESIDING OFFICER: Okay.

5 MS. SMITH: It's a concern, but that's all
6 that I know.

7 PRESIDING OFFICER: Okay. Well, I don't have
8 anything else. Thank you very much. You did a great
9 job. I really appreciate your thoughtfulness, and what
10 I would like to do now is turn it back over to
11 Mr. Jensen.

12 And, Mr. Jensen, I know we've gone far field.
13 I'm really trying to keep it on the legal interests. So
14 if you -- please, feel free to reply however you'd like,
15 but if you'd like to highlight specifically the legal
16 interests that are significantly at issue with respect
17 to both petitioners along the way, that would be great
18 as a recap.

19 So the floor is yours. Thank you.

20 MR. JENSEN: Thank you, Your Honor.

21 Very quickly, I thought it would be helpful --
22 one line of questioning that -- that you had, Your
23 Honor, related to existing service area versus expansion
24 area, and so if I may just share screen here.

25 So this is what we've been calling Attachment

1 2A to the Highlands' request, and what I would -- what I
2 want to point out is, as you look at this map -- and,
3 again, focusing on this area south of Old Highway Road,
4 which is the area, you know, that we're concerned about,
5 as Mountain Green Mutual.

6 Then -- then looking at, then, the response --
7 Highlands' response to the Cottonwood Mutual Water
8 Company comment on their request for service area
9 change. This is Exhibit F. You can see what they've
10 mapped out in terms of that Docket Number 5572 Sub-2
11 Sub-4. They had someone map that. I believe that's
12 what Ms. Smith said.

13 We actually also attempted to map those
14 descriptions, and they're a little bit of a mess. We
15 didn't get something quite as clean as this, but just
16 for the sake of discussing, you know, where we're at,
17 here, if this is what was added in the 1976 PSC docket,
18 our concern is -- and, again, we'll refer to the map
19 that we had prepared.

20 This is Soderby property that is within what
21 they've identified as the existing service boundary and
22 yet is not identified as part of that 1976 edition.
23 We're not aware of any -- you know, any mapping that --
24 or any PSC proceeding that added this -- this area. And
25 so that's -- when the question was asked do we agree

1 that the map 2A reflects the existing approved service
2 area, we've seen nothing to suggest that that is
3 accurate.

4 And then, finally, we do think that it's
5 relevant, with respect to the settlement agreement, that
6 there is a -- there is an agreement -- 2021 settlement
7 agreement -- that all of the Johnson property, which
8 includes everything here in yellow, is -- Highlands
9 cannot put itself out as the exclusive provider. What
10 does that mean?

11 And I think that is an issue on the merits for
12 which I think it's very important that Mountain Green
13 Mutual and Village be parties to present their -- their
14 side of things, and that is -- I think it means, at the
15 very least, that Highlands cannot assert itself as the
16 service provider for this area without Soderby's
17 consent. And, you know, that is -- I don't think
18 there's any dispute that Soderby has not -- has
19 indicated it does not want Highlands as the provider.

20 All the requests following the settlement
21 agreement in 2021 -- there have been some requests, but
22 they're from the Lee's Market team, not the -- not the
23 landowner.

24 And so, again, as we look at what is the
25 primary -- what is the issue before the Commission

1 today? It's whether intervention is appropriate, and
2 the only issue on that front is whether petitioners,
3 meaning Mountain Green Mutual and Village -- their legal
4 interests may be substantially affected by the
5 proceeding. We've met that burden. There is enough
6 before the Commission to indicate that there are
7 interests that could be harmed by proceeding along,
8 whether you want to call it expanding the service area
9 or whatnot.

10 Setting the boundaries where they're proposing
11 to put them, even in the limited boundary of what
12 they've called the existing area, would impact Mountain
13 Green Mutual in terms of providing ambiguity on who the
14 water service provider is, in terms of the assertions,
15 whether or not they decide to participate in the
16 exemption application and assert that we can't have --
17 expand or create our water system in this area.

18 All of those are interests that are hugely
19 important to the tune of a million gallon water tank,
20 which is -- was very, very expensive to install, two
21 wells that are very expensive to drill, that Highlands,
22 arguably, could take -- would be taking the position
23 that now Mountain Green Mutual can't serve them or is
24 not able to get the exemption and would have to go get a
25 certificate of convenience and necessity and have the

1 statement in there that somehow it's not encroaching on
2 the -- on the existing service area.

3 All these are interests that are very
4 important to Mountain Green Mutual, and they need a seat
5 at the table to establish the merits.

6 The only other things that I would mention,
7 because I know we've gone long here, is we've talked a
8 lot of -- kind of forecasted what the merits discussion
9 would be. It's -- and that, in itself, illustrates why
10 intervention is appropriate, because all of these issues
11 on the merits won't be adequately explored without
12 Mountain Green and Village involved in the proceeding.

13 And so, therefore, we would request that the
14 intervention be granted, and we would be able to have
15 a -- an evidentiary hearing in the future where we can
16 present the evidence. And, ultimately, where the
17 boundary is set, you know -- that -- that's an issue for
18 the Public Service Commission to work through, but we
19 just -- we need to have a seat at the table to make sure
20 that it's an informed decision with all of the relevant
21 evidence.

22 So unless there are any more questions, Your
23 Honor, we would submit our -- our petition.

24 PRESIDING OFFICER: I don't have any other
25 questions, and I thank you very much, Mr. Jensen, for

1 that succinct reply.

2 And, Ms. Smith, usually that's the -- that's
3 the end of the discussion. If you have anything else
4 that you'd like to say that is very specific only to the
5 legal interests as asserted by the petitioner, nothing
6 else, I'd -- I'd -- I'd be okay with that, but if it's
7 anything else, I'd like to just thank everybody for
8 their time today and -- and close the proceeding.

9 MS. SMITH: I just would like to make two
10 comments on the comments that he just made.

11 PRESIDING OFFICER: Okay. Let me -- let me,
12 again, tell you that I'd like -- I'd like them to be
13 only related to the very narrow issue, because if -- if
14 you do make a comment, I am going to give Mr. Jensen a
15 chance, if he chooses, to respond, because he does get
16 the last word.

17 MS. SMITH: Okay. I -- I -- I hope that what
18 I -- one is just -- well, they're both just
19 clarifications, I think.

20 He was on the map saying that -- that -- that
21 map 2A -- was it map -- the map that he showed with all
22 the colors on it -- that an area that we included in our
23 service area that belongs to Mr. Johnson. The reason
24 it's included on our service -- in our service area is
25 because we serve the customer that lives there. So

1 that's why it's included, not trying to --

2 PRESIDING OFFICER: And --

3 MS. SMITH: And the other was that his
4 statement that -- being approached -- that we've been
5 approached by Lee's Market, but Duane Johnson is -- is a
6 partner in Lee's Market. So --

7 PRESIDING OFFICER: Okay. Thank you. Thank
8 you very much.

9 Mr. Jensen, as promised, you get the last
10 word, if you choose.

11 MR. JENSEN: Nothing further, Your Honor.

12 PRESIDING OFFICER: Okay. All right.
13 Everybody, thank you very much for your presentations.
14 Thanks for your preparation. A decision and an order
15 will be made and issued in due course. So thanks a lot,
16 everybody, for your time, and happy holidays.

17 MS. SMITH: Thank you, Your Honor.

18 PRESIDING OFFICER: Thank you. We're
19 adjourned.

20 (This hearing was concluded at
21 12:40 p.m. MT.)

22 * * * * *

23

24

25

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

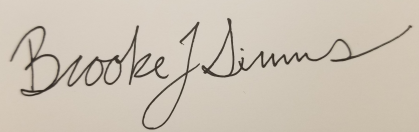
REPORTER'S CERTIFICATE

STATE OF UTAH)
)
COUNTY OF UTAH)

I, BROOKE SIMMS, an Idaho Certified Shorthand Reporter, Utah State Certified Court Reporter, and Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such oral proceedings had, and of the whole thereof.

I have subscribed my name on this 9th day of January, 2024.



Brooke Simms, RPR, CCR, CSR
Idaho CSR No. 1174
Utah CCR No. 12335391-780

[& - acted]

&	200 2:7	4	84111 2:8
& 2:7	2007 29:19 88:17,22,25 89:2,15,21 90:3	4 13:7 72:10,19 73:11 77:17 78:10,13,20,24 79:3,20 94:11	9
1	2020 52:18	4-207 8:13	9th 100:16
1 72:4 73:8 77:16,19 78:2 78:10 83:23	2021 21:17 24:19,25 25:22 47:24 52:19 88:22,23 89:20 89:24 95:6,21	458-0175 2:14	a
10 42:22	2023 1:10 3:4 70:21	5	a.m. 1:11 3:4
101 2:7	2024 100:17	5 12:13 78:10 78:13,20,24 79:3,21	ability 32:5 35:4 40:4,5 58:14 65:19
10:04 1:11 3:4	21 1:10	50 67:24 89:9	able 4:14 7:25 15:13 18:9 51:23 54:7 56:22 64:5 67:19 96:24 97:14
1174 100:23	21st 3:3	532-7840 2:9	accepted 91:15
11:44 67:17,25	23-010-01 1:4 3:7 68:2	54-4-25 12:1 13:8	access 30:13
11:50 67:18,25	25th 44:14 77:18	5572 72:3,4,9 73:11 77:17 94:10	accidental 78:12
12 57:19	28936 100:22	5880 2:13	accuracy 79:15 82:19 83:16
12335391-780 100:23	2a 32:20,23,24 33:5,9,15,15,19 39:20,25 41:16 55:16 63:22,25 73:3 79:10 80:11,23 81:2 81:24 82:2,4,4 82:21,23 84:24 94:1 95:1 98:21	6	accurate 60:16 80:19 82:23 83:3,15 95:3 100:14
12:40 99:21	3	6 35:2 57:17,18 57:20	accurately 11:10
14 57:19	3a 32:20,24 33:1 39:25 85:6	6328 78:1	acknowledged 64:24
15 42:22		63g 8:13	acknowledge... 15:20
1520 70:21 72:19 73:10		6th 34:20	acquire 27:20
16 57:19		7	acronym 16:8
1976 44:14 54:2 66:9 72:19 77:18 94:17,22		700 2:8	acted 63:4
2		76 72:4,6	
2 21:9 22:4,12 22:12 72:10,19 73:11 77:17 80:17,23 81:2 94:10		8	
2,000 38:12		801 2:9,14	
20 42:23 52:18 70:20 88:24		84 42:18	
		84050 2:13	

[acting - application]

<p>acting 26:10 active 14:8 actual 70:13 74:16 85:13 actually 7:9 18:6 22:25 30:10 34:18,20 39:12 43:25 66:4,4 80:17 87:11,13 94:13 add 74:21 added 71:21 94:17,24 address 15:23 22:16 29:14 45:13 50:11 addressed 88:19 adds 42:4 adequate 34:15 57:22 58:1 adequately 19:5 97:11 adjourned 99:19 adjudicative 8:18 adjustments 5:10 admitted 48:23 adversely 11:13 13:12 affect 13:12 24:23,24 25:23 30:16 32:7</p>	<p>46:14 affected 8:17 9:4,25 11:20 36:8 96:4 affects 11:14 27:17 38:17 agency 8:14 27:6 aggressively 63:4 agree 13:18 28:17,19 33:5 75:5 94:25 agreed 21:11 22:14 agreeing 59:1 agreement 21:17 22:19,23 23:2,5 24:5,13 24:15,20,25 25:23 26:18,19 26:22 27:3 28:25 29:7,19 29:21,24 30:11 30:12,20,23,25 39:16 40:2 47:24 48:3,9 49:21,24 50:2 60:25 62:12,13 88:17,19,22,22 88:23,25 89:2 89:5,9,14,15,20 89:21,24 90:1 90:3 95:5,6,7 95:21</p>	<p>agreements 29:19 ahead 9:22 18:12 23:9 35:10 40:21 47:18 69:11 80:10 aided 100:13 air 51:22 allegation 31:4 allow 8:1 31:25 50:23 allowed 8:11 15:16 16:19 35:17 allowing 8:19 14:3 alluded 8:10 alters 62:14 ambiguity 96:13 ameliorate 13:21 amenable 4:7 23:4 amend 76:14 amended 72:3 anecdotally 35:6 anew 31:10 announced 35:20 answer 31:9 71:3 82:25 85:4</p>	<p>answered 31:2 answering 55:23 answers 4:13 anticipate 30:8 60:16 anticipated 68:5,6 79:22 anybody 9:10 48:17 51:3 76:15 anybody's 23:17 anyway 51:13 52:13 54:17 56:1 58:7 65:19 apartment 52:21 apologies 9:21 apologize 9:8 12:7 16:8 31:8 appearance 3:16 4:19 appearances 3:15 applicant 12:18 13:9 application 13:3 31:5 32:17 33:20 39:14 46:11,14 48:5 55:14 59:24 60:10 88:3,8 96:16</p>
--	--	---	--

[applied - attorney]

<p>applied 78:8 apply 13:15 applying 12:23 appreciate 15:19,20 28:11 32:14 36:18 46:8 93:9 approach 64:25 65:3 approached 52:14 53:13,20 99:4,5 appropriate 4:16 28:8 70:2 96:1 97:10 approval 24:9 24:11 46:25 91:4 approved 30:22 91:14 95:1 approximately 3:4 april 88:22 area 1:4 3:7 8:12 10:4,8,16 11:11 13:5,22 14:3,6,10,13 15:5 17:17 18:16,22 21:5 21:6,12,12,13 22:13,15 23:22 27:3,13 28:23 29:11 30:5,7 31:18 32:1,3,6</p>	<p>33:1,6 34:1,16 35:1,5,7 36:10 38:16 39:6,8 39:15,23 40:25 42:2,20 43:5 44:16,17,19,22 48:5 50:19,20 50:24 51:19 53:22,25 54:2 54:11,13,19,21 54:25 55:5,9 55:20 56:4,4,5 56:9,12,15 58:13,16,17,18 58:21 61:5,6,8 61:20,21 62:10 62:11,16 63:2 63:6,7,20 64:8 64:10,23 65:1 65:6,8,9,10,15 65:21 66:6,7 66:10 68:25 69:2 71:8,21 73:18,20 74:6 74:12,18,20,22 76:3 78:8 79:10 82:25 83:11,19 84:9 84:24 87:10,18 87:22 91:25 92:4,8,10,15,17 92:22 93:23,24 94:3,4,8,24 95:2,16 96:8 96:12,17 97:2</p>	<p>98:22,23,24 areas 17:15 27:14 35:8 43:3 53:24,24 54:19,24 55:1 55:1,4 61:17 66:7 71:20 73:21 81:15 82:11,12 87:10 arguably 96:22 argument 7:23 8:3,25 14:15 31:20 45:22 61:15 arguments 3:8 7:11,19 32:2 68:2 articulate 68:10 articulation 34:13 asked 47:16 53:17 57:2 82:22 94:25 asking 55:3 67:20 assert 25:20 50:3 95:15 96:16 asserted 24:24 25:24 34:11 40:4 98:5 asserting 10:15 13:3 25:16 26:23 27:1</p>	<p>assertion 21:13 24:2,16 31:4 34:14 63:17 assertions 34:22 96:14 assets 14:14,16 14:16 assume 43:23 84:21 assuming 3:12 18:10 20:9 assumption 89:19 asterisk 59:25 attached 32:18 33:19 59:4 60:14,14 72:7 82:2 85:14 attachment 39:20 59:6 60:9 63:22 73:3,7,8,8 77:16 78:10 80:17 83:23 93:25 attachments 33:20 attempt 54:12 attempted 94:13 attending 6:10 attorney 3:20 49:11 74:23 75:3,14</p>
---	---	---	---

[audible - care]

<p>audible 59:13 authorization 83:10 avoid 19:12 20:22 31:16 aware 14:24 88:1,3 94:23</p>	<p>beginning 48:19 behalf 3:15,18 4:21 46:12 51:4 52:24,24 70:12 belief 34:15,17 57:6,8 58:11 believe 18:6 30:13,21 32:25 33:24 35:8 44:12 45:25 46:20 50:8 51:13 52:11 55:19 62:10 66:6,17,18 76:1 78:6 83:1 90:18 91:3 94:11 bell 59:7 belongs 58:5,5 98:23 beneficial 29:4 79:7 benefit 4:11 26:21 66:12 best 7:12 22:25 58:20 61:2 better 28:9 45:13 67:10,19 68:9 big 43:19 48:7 70:8 74:25 bigger 37:2 49:1 87:3</p>	<p>bit 10:9 11:16 12:8 17:11 22:24 24:21 26:1 46:4 59:20 70:10 73:16 88:2,20 92:15 94:14 blanche 4:15 blue 38:23 39:19,23 40:4 41:17,25 43:8 54:20 62:7 board 7:1 9:17 10:20 17:25 borders 80:13 bottom 59:25 60:2 64:22 boundaries 33:9 40:12 83:11 96:10 boundary 17:17 41:25 43:9,18 54:21 60:19 62:14 94:21 96:11 97:17 breach 26:23 28:14 49:17 break 67:15,16 68:7 brenda 2:18 6:13,15 broached 70:3 broader 23:21 39:7</p>	<p>broadly 22:24 brooke 1:25 4:3 4:3,7,14,15 17:8 90:6 100:6,22 brought 66:2,3 68:22 brown 2:7 building 37:24 bullet 77:14,14 77:15 bunch 71:15 burden 7:18 23:18 70:9 96:5 buyers 43:4</p>
b		c	
<p>b 36:4 45:7 back 5:19 19:18,20 24:18 33:8 34:10 51:14 59:15 61:10 63:8 67:18,23 68:1 68:8 93:10 background 15:21,22 20:13 42:6 bad 70:4 bank 36:25 37:22 57:13 bart 2:17 4:23 50:11,16,21 based 21:16 60:12,12 74:15 basically 51:23 75:20 basin 42:11 basis 14:12 21:10,14,17 24:11 34:17 52:7 bed 13:17</p>	<p>c 2:1 3:1 45:8 45:24,24 cadence 4:6 call 6:19 16:5 30:7 33:15 37:1 41:10 73:25 76:16 96:8 called 55:16 83:24 96:12 calling 93:25 candor 46:8 capable 36:9 capacity 14:5 34:16 57:12 caption 100:10 care 43:15 75:8 76:10</p>		

[careful - comments]

<p>careful 75:2 carte 4:14 carve 37:21 case 7:21 10:9 24:25 26:7 29:25 46:16,20 52:6 71:20 72:3,4,5 73:10 77:17,20 78:1 78:5,7,8 81:18 82:10 83:2 88:12 cases 72:14 77:23 catch 72:22 caused 11:2 22:16 causing 24:10 caution 49:5 cc 70:21 ccn 73:9,9 ccpn 44:19 ccr 1:25 100:22 100:23 center 42:12,21 43:1 certainly 20:16 20:20 21:22 23:20 25:25 31:11 37:21 65:2 70:2 certificate 12:3 12:5,9,15,16 13:9 70:24 96:25 100:2</p>	<p>certificated 13:20 32:3 certified 11:14 13:13 54:1,23 55:4,5 64:24 65:21 100:6,7 certify 65:9 100:8 chance 64:20 64:21 98:15 change 20:9 33:2 41:20,23 94:9 characterize 70:19 characterized 80:11 charge 16:22 check 6:2 16:15 16:15,15 17:5 chief 57:22,23 chime 70:4 choose 99:10 chooses 98:15 circle 24:18 67:18 87:4,15 92:6 circles 68:13 circular 85:20 86:15 circumstances 20:9 cited 13:2 city 2:8 84:23 85:1</p>	<p>claim 14:18 21:10,11,13,15 22:14 28:15 37:6 46:15 49:25 50:9,10 82:18 claimed 11:9 claiming 24:6 50:23 54:25 56:22 61:21,22 clarification 6:5 17:9 90:8 clarifications 98:19 clarified 29:16 57:4 clarify 41:13,14 44:12 67:10 68:10 clarity 14:4,21 clause 48:9 clean 94:15 clear 5:12 12:1 19:25 27:10 31:9 47:23 51:20 53:19 55:11 56:25 72:25 74:11 76:9 77:12 88:20 cleared 73:16 73:17 clearly 32:9 client 74:9 83:1</p>	<p>clients 75:23 76:1 close 5:23 63:7 98:8 closer 5:3 code 8:13 11:25 12:19 13:8 coexist 10:3 coffee 61:14 collaboration 42:3 collective 35:25 colon 71:14,15 72:16 77:24 colors 98:22 come 10:22 31:19 58:9 65:5,10 66:15 67:23 83:6,7,8 comes 13:7 24:7 42:17 57:8,10 58:11 coming 48:20 68:11 comment 10:22 50:11,16 94:8 98:14 commented 35:24 comments 31:12 65:18 73:24 74:1 85:13 87:1 98:10,10</p>
--	---	--	---

[commission - continuing]

<p>commission 1:1 2:2 10:14,21 10:21 11:12 12:24 24:1,2,9 29:5 34:21 50:16 52:5 54:2 58:3 60:8 74:21 83:10 95:25 96:6 97:18 commissioner 58:4 commissioners 10:23 community 42:22 55:8 companies 62:20,25 90:18 company 1:3 2:4,11,12 3:6,9 3:18,21,22 4:23,24 7:2 8:25 9:3 10:3,4 10:7,12,15 12:23 14:12 17:16 18:1,3 19:6 21:18 25:3 35:9,21 36:3 38:4 40:8 40:9 44:1 48:6 53:8,18 56:1 56:19,20 57:6 58:13 60:1 63:1 65:8 68:3 69:4,6 78:19</p>	<p>80:25 81:4 89:24 90:11,21 90:22 91:4,5 91:10,13,14,17 91:24 92:20,21 94:8 company's 8:12 36:15 49:11 61:7 66:20 68:18,25 compare 56:7 complete 41:10 79:7 completely 42:23 complex 52:7 52:21 complexity 42:4 complicated 17:13 69:18,19 component 76:9 compound 55:23 compromised 14:3 computer 67:17 100:13 conceded 9:1 63:14,16 83:15 conceding 11:7 concept 13:18 32:10 38:8</p>	<p>concern 23:4 31:23 39:13 40:7,15 63:2,5 83:17 93:5 94:18 concerned 62:19 65:17 92:24 94:4 concerning 89:25 concerns 19:12 35:12 concession 11:24 concluded 99:20 conduct 8:18 confidential 48:23 confidentiality 23:2 48:9 conflict 13:4,12 56:17 conflicts 11:13 confuse 43:4 confusing 56:24 68:23 74:24 75:5 90:7,17 confusion 11:2 11:16 27:25 28:1 65:5 connect 42:17 57:19</p>	<p>connected 35:10 38:5 57:18 connecting 34:25 connection 44:5 59:3 66:7 connections 56:20 connector 35:1 connects 57:16 consent 95:17 consider 55:6 considered 27:4 consistent 76:1 consolidate 20:21 constitutes 100:14 construction 10:20 91:7 construed 49:22 context 23:22 24:4,9 contingent 65:7 70:10 continue 36:24 61:2 77:8 continues 27:18 71:6 continuing 11:5</p>
--	--	--	---

[contract - department]

<p>contract 26:24 28:14,16,22</p> <p>contractual 28:13</p> <p>contrary 9:1 10:13 11:21</p> <p>controlled 39:2</p> <p>convenience 12:3,6,9,15,15 13:9 70:24 96:25</p> <p>conversation 4:12</p> <p>coordinates 81:9 83:7</p> <p>copies 82:10</p> <p>copy 23:1,5 45:6 70:25 71:1 79:7 82:8</p> <p>corporate 16:1 52:25</p> <p>correct 10:6 11:25 12:20 16:2,3,6,11,12 20:11,12 29:22 47:6 55:20 72:7 75:18 90:4</p> <p>correctly 13:11</p> <p>corresponds 45:25 87:22</p> <p>cottonwood 14:15 15:1,2 21:2 35:11,21 36:2,2,8,12</p>	<p>44:1 56:1,13 56:19 57:2 58:12 62:7,25 65:23 66:19,19 68:18,24 69:5 69:5 76:16,22 77:2 90:10,20 91:5,16,22 92:1,13 94:7</p> <p>cottonwood's 41:4 43:24 90:14 92:24</p> <p>counsel 19:9 20:25 36:24 44:2 75:12</p> <p>count 48:2</p> <p>county 10:14 10:21 24:2 34:21 82:7 84:25 85:9 91:8,15 100:4</p> <p>couple 73:14</p> <p>course 8:5 23:14 39:7 51:8 79:24 99:15</p> <p>court 4:2 7:16 52:6 59:11 66:13 83:24 84:4 100:7</p> <p>courthouse 48:17</p> <p>cover 14:4 70:19,20 75:20 77:15</p>	<p>cpcn 44:14,19 45:6 46:1 70:21</p> <p>create 27:13 53:23 96:17</p> <p>creating 20:14 65:4</p> <p>csr 1:25 100:22 100:23</p> <p>cuff 50:17</p> <p>curious 83:25</p> <p>current 32:25 33:6,25,25 39:13,14 40:25 55:19 61:17 64:10,23 73:20 74:19 76:3 82:5,24 87:4,7</p> <p>currently 10:19 18:2,3,23 25:2 30:14 36:25 37:9 40:3 46:18,25 53:25 55:4,5 57:12 57:15 58:19 61:22 64:7,8</p> <p>cursor 18:8</p> <p>customer 82:12 82:12 87:7 98:25</p> <p>customers 12:18 14:21 58:18,19,21 61:17,22 65:7 82:6 87:4,11</p>	<p>92:5,20,21 93:2</p> <p style="text-align: center;">d</p> <p>d 3:1 45:4,8,24</p> <p>dab 18:22</p> <p>dance 12:8</p> <p>date 3:4 77:18</p> <p>dated 70:20</p> <p>day 50:18 75:19 100:17</p> <p>deal 74:25</p> <p>dealing 5:11</p> <p>deals 12:13</p> <p>debate 22:17</p> <p>december 1:10 3:3 34:20</p> <p>decide 76:20 77:5 96:15</p> <p>decided 88:9</p> <p>decision 23:13 27:6 29:5 48:22 97:20 99:14</p> <p>decisions 52:8</p> <p>definitely 91:20</p> <p>delaney 2:3</p> <p>delayed 3:23</p> <p>demand 22:25</p> <p>demanded 52:20</p> <p>dentist 37:3,25 57:13</p> <p>department 35:9</p>
---	--	--	---

[depending - edition]

<p>depending 83:2</p> <p>described 49:24 50:1</p> <p>description 54:6 80:18,18</p> <p>descriptions 73:19 80:4 81:19 82:7 94:14</p> <p>designated 5:22</p> <p>desire 20:20</p> <p>desk 56:4</p> <p>despite 11:7</p> <p>determination 27:2</p> <p>determine 41:15</p> <p>determined 29:1</p> <p>determining 27:8</p> <p>developed 27:18</p> <p>developer 25:3 43:18</p> <p>development 24:9,11 39:16 40:2</p> <p>dialogue 28:7 69:20</p> <p>diameter 35:2</p> <p>difference 30:9 39:24,25 53:9</p>	<p>different 27:7 30:3 38:19 40:12 52:11 76:17 77:20 83:9 92:3</p> <p>differently 26:2 59:20</p> <p>difficult 5:3 36:21</p> <p>disagree 28:17 28:20</p> <p>disclaimed 21:23</p> <p>disclose 48:22</p> <p>discuss 8:22 9:2</p> <p>discussed 77:25</p> <p>discussing 9:24 94:16</p> <p>discussion 20:13 33:9 88:23 97:8 98:3</p> <p>discussions 14:25 20:16,19 21:2 23:16 64:15,17,17 69:15 70:1</p> <p>disparaging 65:18</p> <p>dispute 37:5 95:18</p> <p>disputed 15:14</p> <p>disputing 21:21</p>	<p>distance 34:25 35:2 38:13</p> <p>distinction 53:3 53:4 60:21 88:21 89:18</p> <p>distribution 57:7</p> <p>district 20:14 20:15,16 21:1 64:14,15</p> <p>division 6:10 20:19,20 23:6 46:11,18,25 60:6,10</p> <p>docket 1:4 3:7 12:24 16:10 30:1 31:6,13 35:24 36:3 37:11 41:22,22 44:15 49:4,10 49:16 60:8 63:5 68:2 71:24 75:13 78:16 81:6 85:15 89:1 94:10,17</p> <p>dockets 31:21 72:15</p> <p>document 45:23 52:6 74:4 78:24 85:13 86:16,17</p> <p>doing 19:24 21:1 36:23 69:22 77:11</p>	<p>88:7</p> <p>double 19:20</p> <p>draw 80:3,9 92:6,7</p> <p>drawback 7:7</p> <p>drill 96:21</p> <p>drilled 89:8</p> <p>drink 47:9</p> <p>drinking 20:19 20:21 46:11,18 47:1 60:6,10</p> <p>drive 2:13</p> <p>driven 42:11</p> <p>duane 2:19 6:22 17:23 52:13,19 53:13 89:5 99:5</p> <p>duane's 52:15</p> <p>due 99:15</p> <p>dwayne 7:1</p>
			e
			<p>e 2:1,1 3:1,1 45:4,8,24 70:23</p> <p>earlier 30:15 55:16 63:22 77:24 86:10</p> <p>ears 4:10</p> <p>easement 30:13 89:11</p> <p>easements 46:23</p> <p>east 2:7</p> <p>edition 94:22</p>

[effect - expand]

<p>effect 29:24 30:3 35:19 38:23 77:6 88:24 efficiencies 36:11 efforts 27:12 either 37:5 electric 12:17 electricity 12:14 element 8:23 elements 8:15 else's 39:1 encompassing 56:11 encourage 69:20,25 encroaches 32:3 encroaching 97:1 engaged 20:25 75:12 engineer 80:25 engineering 81:4 engineers 80:24 82:5 ensuring 40:13 entire 43:20 56:9,12 entirely 21:16 41:25</p>	<p>entities 37:5 53:9 56:18 57:9 entity 16:1 17:23 20:4 24:8 26:8,11 26:14 52:25 56:17 89:6 entry 46:1 environment 76:14 especially 56:21 esq 2:3,6,6 essence 8:2 21:12 26:13 77:17 essentially 9:1 18:1 24:10 42:21 establish 64:9 73:3 79:9,10 97:5 established 76:4 83:3 90:23 evaluate 20:25 event 69:25 83:13 everybody 3:11 3:12 4:5 5:12 7:6 17:5 18:10 41:10 60:22 66:13 85:22 98:7 99:13,16</p>	<p>everyone's 7:15 36:18 evidence 15:11 15:13 35:16 97:16,21 evidentiary 97:15 exact 14:10 22:8 48:12 exactly 16:14 43:13 49:18 51:15 59:21 60:5,25 63:15 84:7 90:21 example 76:16 except 7:11 78:1 exception 31:6 exclude 51:25 54:12 excluded 50:13 52:9 exclusive 12:18 24:6 49:23,25 50:9,10,14 95:9 exclusively 12:13 26:25 exclusivity 12:10,20 21:14 22:19 excuse 81:22 exempt 17:16 exemption 11:12 12:23</p>	<p>13:4,15 31:12 31:19 32:4,7 48:6 59:3,24 88:4 96:16,24 exemption's 32:2 exemptions 91:8 exhibit 45:5,7,8 46:2 55:16 59:4,5 60:3 68:10,14,16,17 72:7 79:10 80:11 82:8,21 82:23 84:24 85:6,15,16,19 94:9 exhibits 32:18 32:19 33:12 45:3,24 59:2 existing 11:14 13:13 22:15 29:15 33:6,6 33:25,25 40:25 55:20 76:3 79:10 82:24 93:23 94:21 95:1 96:12 97:2 exists 16:4 84:4 expand 8:12 27:13 31:25 33:4 74:6 83:11 96:17</p>
---	---	---	--

[expanding - forecasted]

<p>expanding 96:8 expansion 11:4 11:11 14:3 15:3 28:23 29:10,15 31:17 40:15,25 41:1 41:5 55:6,7 74:14 75:8 85:6 93:23 expansions 71:8 expect 74:25 expensive 96:20,21 explain 3:23 17:21 53:4 59:13 73:5 explained 32:9 58:6 83:8 explanation 19:15 59:24 86:23 explanatory 59:7 explored 15:9 97:11 exploring 20:23 expressly 49:24 extension 73:21 74:13 85:7 extent 15:8 48:21 49:21 extraordinarily 51:9</p>	<p style="text-align: center;">f</p> <p>f 45:9,9,24 46:2 68:14,16,17 85:16 94:9 face 88:7 fact 10:6 12:12 13:7 14:17 20:24 27:4,5 28:24,25 29:4 35:6 40:11 48:1 50:21 65:3 77:19 83:3 facts 90:13 factual 15:8 26:21 fairly 42:2 familiar 44:2 44:23,25 46:7 64:18 far 5:19 25:15 52:7 91:25 92:16 93:12 fast 60:18 faultfinding 5:7 february 44:14 77:18 feel 48:11 54:18 93:14 feet 38:12,14 felt 25:5 47:22 field 93:12 fight 35:11,14</p>	<p>fight's 18:23 figure 36:17 file 89:4 filed 3:9 44:14 45:6 66:15,18 70:11,12 78:11 filer 78:17 files 78:23 filing 32:17 34:19 44:2,3 45:23 66:24,24 70:13 72:1,16 72:19 79:25 82:3,21 filings 16:10 60:14 fills 56:9 finally 7:24 8:1 15:7 73:17 95:4 find 4:3 63:11 66:15 68:14 79:17,20,20 86:24 findings 77:19 fine 5:9,16,20 34:23 38:6 45:14 51:11 59:1 65:22 70:16 86:4 finer 34:23 fire 34:15,16,23 35:4,6,8,9,11 35:14 57:21,22 57:22,23,24</p>	<p>58:6 68:23,24 68:24,25 69:5 69:8 92:14 firm 58:4 first 7:19 8:15 8:22 22:11,11 27:19 28:8 38:11 46:1 70:14 71:7 75:11 76:9 77:15,15 five 67:24 fixed 13:13 70:17 floor 47:17 93:19 flow 34:16,24 35:4,13 57:7 57:21,22 58:6 flowed 57:24 focus 80:9,10 focusing 94:3 folded 89:20 folks 5:9,22 6:9 6:11,24 82:18 follow 26:20 29:18 36:21 77:24 following 71:9 72:3 95:20 follows 71:13 forbidden 16:23 forecasted 97:8</p>
---	--	--	---

[foregoing - green]

<p>foregoing 100:9,13</p> <p>forget 60:22</p> <p>form 90:12</p> <p>forth 46:1 100:10</p> <p>forward 23:18 60:23 65:16</p> <p>found 68:12 69:22 79:1,19</p> <p>four 44:18 54:9 59:7 77:14</p> <p>fourth 46:2 54:5</p> <p>free 93:14</p> <p>fresh 44:7</p> <p>frisbee 4:19</p> <p>frisby 2:6 3:19</p> <p>front 12:22 20:17 28:1 79:12 96:2</p> <p>full 71:7 73:15 100:14</p> <p>funded 26:8</p> <p>further 99:11</p> <p>future 21:1 28:7,7 39:24 40:5 41:6 54:21 97:15</p>	<p>gardner 2:18 6:21,21 7:1 90:19,20</p> <p>gas 42:14</p> <p>gee 2:7</p> <p>generally 12:25 23:14 41:21 76:19</p> <p>generations 84:2</p> <p>getting 91:8</p> <p>give 6:1 16:25 22:6 33:17 45:12 47:13,14 72:5 81:12,14 81:19 82:10 85:22 86:2 98:14</p> <p>given 10:22 33:5 43:23 56:1,13 57:2 80:4 91:13</p> <p>giving 4:14</p> <p>glad 77:7</p> <p>globally 23:16</p> <p>gmail.com 2:14</p> <p>go 4:1,20 7:10 7:18 9:22 18:12 19:18 21:1 23:9 47:18,18 51:14 62:22 63:8 69:11,20 75:7 76:5,6,6,20 96:24</p>	<p>goes 83:2</p> <p>going 3:14 5:2 6:2 7:10,10 14:23 17:13 23:18 24:8,20 24:22 25:11 26:11 27:25 28:12 30:10 31:7,21 32:15 32:19 33:2 36:24 37:1,17 37:18,19 38:9 38:18,22 40:21 41:8,14 42:3 42:16 44:9 47:11,12,22 48:2,22 49:9 49:15 51:5 53:18,23 56:24 59:6 60:23,24 67:13,14,15,16 68:9 70:14 75:18,18 76:5 76:18,20 79:23 83:19 91:20 98:14</p> <p>good 4:17 7:9 60:21,21 72:21 73:1</p> <p>gorgeous 42:10</p> <p>gotten 78:15</p> <p>grab 22:5 55:9 85:22</p> <p>grant 8:15</p>	<p>granted 27:25 32:5 71:9 97:14</p> <p>graphic 55:17 80:18</p> <p>graphically 80:16</p> <p>great 9:18 55:23 87:1 93:8,17</p> <p>green 2:4 3:9 3:18 7:2 9:3 11:19,22 12:22 13:22 14:7,16 14:17,20,23 15:4,10,16 17:14,15 18:1 18:3,16 19:6 19:13 20:6,14 20:23 21:4,7 25:2,7,17,24 26:6,7,13,17,18 26:20 27:5,9 27:10,15 29:24 30:7,8,15,15 31:15 36:10,15 40:7,11 42:8 42:12,21 43:12 43:13,20 46:6 46:12 49:11 53:18 56:20 57:1 58:12 61:6,7 62:25 65:24 68:3 70:8 79:11</p>
g			
<p>g 3:1</p> <p>gained 36:11</p> <p>gallon 14:9 96:19</p>			

[green - honor]

<p>85:20,20 86:16 87:3,4,6 90:22 91:3,13,20 92:19 94:5 95:12 96:3,13 96:23 97:4,12 green's 24:24 31:6 37:10 43:11,14 59:3 88:3 grocery 38:9 56:12 group 17:6 grown 42:22 guess 11:9 14:25 15:24 31:3 36:16 49:1 59:20 61:12 69:23 90:16 guessing 69:21 guys 23:16 69:25</p>	<p>happy 3:23 33:16 53:3 99:16 hard 4:8 5:8 54:6 56:18 59:12 60:18 61:11 harmed 96:7 hazards 31:21 head 31:9 headshakes 3:13 hear 3:12 5:13 5:15,20 6:3 28:8,12 33:3 47:20 51:3 heard 8:3 82:22 hearing 1:9 3:5 3:11 4:9 5:4,9 5:9,25 6:11 44:6 68:5 76:8 97:15 99:20 help 25:12,22 helpful 16:20 18:18,19 19:20 28:24 32:14 33:8 34:8 37:13 40:19 54:24 55:12 73:2 75:17 93:21 helpfulness 15:20 helping 28:9</p>	<p>hereof 100:11 hesitate 30:6 hey 13:3 39:3 hi 4:3 higher 57:7 highland 2:13 8:11 10:22 23:4 24:15 27:24 43:24 51:4 59:25 69:4 88:6 highlands 1:3 2:11,12 3:6 4:20,21,23 7:22 8:3,25 10:1,12 11:9 11:17 13:1 14:6,15,18 15:9,14 21:11 21:17 22:14 24:1,3,5,13 27:2,12 28:5 29:9,12,14 30:5,14 31:5 31:12,18,25 32:16,17,22,25 33:6,25 34:12 34:15,20 35:9 35:22 36:24 38:6,10 39:10 39:17 40:3,24 41:4 44:12,15 47:12,12 49:22 49:24 52:8 53:7 55:19</p>	<p>57:6 62:9,25 70:7,12 71:9 73:19 74:5 82:24 83:11 84:23 85:11 88:1,2,18,25 94:1,7 95:8,15 95:19 96:21 highlandswat... 2:14 highlight 93:15 highway 38:20 42:15 94:3 hire 80:22 hired 80:3,22 history 10:12 hitting 87:25 hmm 76:12 hold 44:9 58:23 59:15 holding 46:25 holidays 99:16 home 61:18 87:25 homes 61:19 honestly 74:19 74:22 honor 3:17 5:13,16 6:25 8:9 10:17 14:25 16:18 17:12 18:8 19:1 22:21 24:8 25:25 28:20 29:22</p>
h			
<p>hadley 2:17 4:24 5:15,19 half 40:16 89:10 hand 31:18,19 59:22 happen 36:12 41:19 happened 36:13</p>			

[honor - interest]

<p>30:2 32:8 33:7 34:18 37:7,12 42:6 43:13 47:10 72:17 93:20,23 97:23 99:11,17 hook 69:3,4 hope 68:7 98:17 housekeeping 73:13 85:11 houses 42:13 hugely 96:18 huh 87:12 hwc 5:21 85:16 hydrant 35:10 69:1,4 92:15 hydrants 57:25 hypothetical 41:10 hypothetically 41:3,11,19 47:3</p>	<p>identifying 66:12 illustrates 97:9 image 46:3 immediate 73:20 74:13,18 immediately 40:1 70:18 impact 37:10 96:12 impaired 8:19 impairing 8:24 implication 50:5 implications 64:11 implied 64:5 imply 50:12 64:10 important 9:25 10:11 11:21 12:22 14:20 15:10 23:13,21 27:4 47:23 49:2 73:16 77:9 79:16 95:12 96:19 97:4 impossible 50:6 improper 54:18 imputed 25:19 26:5 inaccuracies 54:6</p>	<p>inaccurate 58:11 inadequacy 34:12,23 inc.'s 1:3 3:6 inch 35:2 57:17 57:18,19,20 include 23:1 29:11 49:14 58:18 64:3 72:15 included 54:9 54:11 58:13 62:17 64:3,7 66:9 79:21 81:20 82:11 87:10 89:2 98:22,24 99:1 includes 15:5 22:13 95:8 inconsistency 72:22 incorp 3:6 incorrect 42:16 64:6 incorrectly 69:21 increase 78:7 independent 16:5 indicate 96:6 indicated 95:19 indication 12:4 individual 36:1</p>	<p>information 34:14,17 36:20 49:10 57:5,8 58:11 81:9 82:5 informed 90:12 90:25 97:20 infrastructure 14:19 39:18 56:21 73:20,21 initial 32:17 70:7 72:1 82:2 inline 85:13 86:25 install 96:20 installed 30:19 30:22 38:25 institutionally 84:3 intend 17:15 38:4 intended 15:23 intent 86:20 intention 50:22 intentional 70:16 78:11 intentionally 38:2 interchange 42:15 interconnected 56:18 interest 8:16,17 8:24 9:2,25 14:19 15:24</p>
<p>i</p>			
<p>idaho 100:6,23 idea 38:8 70:4 identical 61:6 identified 6:19 26:8 29:16 41:16 44:18 48:19 61:7 94:21,22 identify 6:20 40:13 76:24</p>			

[interest - johnson]

19:12 24:24 25:10,14,16,19 27:9,9 29:10 29:25 34:9 36:7,14 37:10 39:4 40:13,19 41:21,24 42:25 42:25 43:8,14 43:19 45:21 46:15 47:5 49:3 79:12 82:18 83:18 interests 11:5 11:20 13:23 16:15 17:22 19:5 25:6,18 25:23 26:5,23 27:17 28:10 36:4 43:15,16 63:12 65:15 93:13,16 96:4 96:7,18 97:3 98:5 interfere 38:25 interference 9:6 interject 72:18 interpret 28:22 52:5 interpretation 21:21 28:14,16 50:8 52:10,10 52:12 75:25 76:2,7	interpreting 29:6 interrupt 4:15 7:12 25:11 33:11 48:14 52:23 55:10 59:10 intervene 3:9 15:17 23:15 35:18 48:4 85:12 intervener 25:5 intervenor 63:10 intervention 8:11,20 10:2 11:8,18 15:8 23:24 24:1,18 28:21 59:5 68:3 73:23 96:1 97:10,14 introduce 6:24 investment 14:12 investors 43:4 invite 47:13 invited 64:17 involved 11:22 17:22 21:2 64:16 97:12 irrigation 3:21 issuance 77:18 issue 4:12 8:10 23:17 28:16,21 28:23 31:14,14	46:19 49:2 53:8,16 70:8 93:16 95:11,25 96:2 97:17 98:13 issued 47:3,3 99:15 issues 15:9 28:13 31:22 53:23 65:22,23 70:8 89:20 97:10 item 10:1 85:7 <hr/> j <hr/> january 100:17 jensen 2:6 3:17 3:17 4:8,19 5:13,15,20 6:3 6:6,24,25 8:8,9 9:7,9,12,14,21 9:23 15:19 16:3,6,12,18 17:1,3,11,20 18:13,18,25 19:4,8,11 20:5 20:12 21:16,25 22:4,7,21 23:9 23:20 25:1,9 25:25 26:4 27:23 28:19 29:3,22 30:2 30:21 31:11 33:5,13,23 34:2,4,7,18 35:16 36:6	37:7,12,16,21 37:24 38:2,22 41:23 42:10,20 43:7,12 44:3 45:1,12,16 47:9,10,16,25 56:5 58:5,25 59:19,23 60:4 60:9 61:4 63:8 64:21 66:2 68:22 72:17,21 72:24 75:23 82:22 85:25 86:2,12 88:2 93:11,12,20 97:25 98:14 99:9,11 jensen's 56:25 74:8 76:1 job 4:7 55:23 93:9 johanson 2:19 44:1 76:22,25 76:25 77:2,4,7 92:23 john 2:3 johnsen 7:1 58:5 johnson 2:19 6:22,22 17:23 49:22,23 50:1 52:16,16,19,23 52:24 89:6 90:19 95:7 98:23 99:5
---	--	---	---

[johnson's - listed]

<p>johnson's 64:4 joined 6:18 joining 3:22 jump 34:10 40:21 jumping 24:20 80:10 junction 23:23 justice 8:18,24 63:13 justifiably 25:6</p>	<p>30:6 31:13,24 32:9,15 33:18 35:7,17 38:8 38:12,15 39:2 40:14 41:7,12 42:7 43:1,3 46:23 48:10,18 48:25 53:22 55:12 57:8,10 58:7,10,17 63:10,14,15 64:20 69:2,2 69:14,16,23 70:15 73:13 74:7 75:17,17 76:4,23 78:25 80:1 81:13 83:14,22,25 84:7,19,20,21 84:22 88:19 89:3,6,21,22 90:12,13,21 91:10,21,24 92:1,2,5,6,8,13 92:23 93:1,3,6 93:12 94:4,16 94:23 95:17 97:7,17</p>	<p style="text-align: center;">I</p> <p>lacks 57:6 lake 2:8 land 7:15 27:11 landowner 95:23 language 22:8 74:16 large 56:5 lawsuit 52:18 53:13 89:25 lawyer 84:20 88:12 lay 7:15 lead 18:20 learned 50:17 lease 14:8 leave 23:18 40:21 led 63:9 lee's 10:17 44:22 51:21 52:14,17 56:2 56:3,12 84:9 87:18,22 91:5 91:7,17 92:10 95:22 99:5,6 left 4:25 68:9 86:16 legal 8:16 15:23 16:15 17:22 25:14,16 25:19,23 29:25 34:9 36:4,7 37:10 40:19</p>	<p>41:21 45:21 46:15 47:5 49:3 63:12 75:12 80:4,17 80:18 81:19 82:7,18 83:17 83:17 93:13,15 96:3 98:5 letter 52:20 56:2,11,14 57:2 70:19,20 70:23 72:18 75:20 77:15,25 lie 28:10 light 12:7 45:21 likely 30:21 83:9 limitation 22:18 limited 96:11 line 29:18 35:2 35:2 38:16,19 57:17,18,20 64:22 70:22 73:24,25 85:21 87:15,21 92:7 92:14 93:22 lines 30:19,22 38:15 39:1,1 46:4,6 57:7,19 62:22 85:21 86:9,16,18,21 list 71:15 77:25 listed 71:16 76:22 89:7</p>
<p style="text-align: center;">k</p>	<p>knowingly 58:13 known 53:17 knows 84:17</p>		
<p>keep 26:11 51:6 67:21 90:2 93:13 keeps 4:6 55:7 key 23:24 28:25 62:12 kind 6:8 10:18 13:17 16:15 18:23 22:17 28:10 31:21 35:24 36:19 37:1 50:17 86:15 89:19 97:8 know 6:7 8:21 9:10,12,15 12:1 14:7,14 14:22 16:19 19:1 20:13,18 20:18 21:3,9 21:20 22:1 25:4,15 27:19 27:23 29:15</p>			

[listen - marjalee]

<p>listen 51:15 lists 82:12 little 4:10 10:9 11:16 12:8 17:11 20:22,22 22:24 24:20 26:1 46:4 59:20 68:6 70:10 73:16 88:2,20 92:15 94:14 live 4:4 60:19 lives 84:1,16 98:25 llc 3:10 17:21 17:22,24 18:4 18:4,6 21:18 53:5 68:4 location 42:16 locations 37:9 80:19 long 14:8 20:13 35:2 97:7 longer 68:6 84:15 look 11:25 12:12 16:20,20 26:7 33:16 38:11 39:7 41:5 43:14 53:1 59:19,20 65:14 66:16 76:16 78:21,22 79:3 94:2 95:24</p>	<p>looked 57:10 looking 12:2 19:22 24:4 25:13 27:20 29:8 45:1,1 60:4 61:3 64:12 78:15 79:18,18 94:6 looks 6:18 44:17 46:4 59:1,21 61:5 73:3 74:10 loop 2:5 3:10 3:19 7:3 9:4 17:18 18:4,14 42:11 68:4 loop's 42:24 lose 31:16 lost 61:12 lot 17:13 36:19 36:20 42:1,13 56:8,11,14 62:24 69:14,17 97:8 99:15 lots 20:22 91:18 loud 5:12 loudly 4:5,11 loveless 2:7 low 35:2 lurking 28:15</p> <hr/> <p style="text-align: center;">m</p> <hr/> <p>ma'am 81:22 81:22</p>	<p>made 8:25 34:19 50:11 52:8 55:8 56:25 58:3,3 62:1 63:17 65:18 68:13 80:25 92:18 98:10 99:15 main 64:19 major 39:13 make 3:16 4:5 5:10 11:3,4,17 13:10 19:25 22:7 24:15 26:9,15 27:7 31:4,20 32:8 32:11 38:24 41:7 46:22 47:15 48:22 50:16,25 54:6 62:13 64:11 68:22 74:11 77:12 80:22,23 82:15,16 97:19 98:9,14 maker 27:6 makes 14:15 30:9 38:10 50:6 70:21 77:18 making 11:7 23:13 27:1 40:9 43:19 mandating 70:3</p>	<p>map 16:20 17:7 17:13 32:23 33:8,21,21 39:25 40:20 44:13,20 45:2 45:17 54:3,20 55:17 58:16 59:25 60:11,12 60:13,16 61:4 61:6,10 62:2,6 62:17 63:18,19 64:3,4 65:25 66:1,2,3,4,14 68:13,13,14 79:24,24 80:1 80:3,12,16,22 80:23,25 83:6 83:14,16 86:6 86:9,15 92:1 94:2,11,13,18 95:1 98:20,21 98:21,21 mapped 44:17 44:19 94:10 mapping 38:2 45:25 94:23 maps 32:19 61:15 66:24 73:19 78:25 79:1,1 80:3,9 80:25 82:7 92:3,3 marjalee 2:12 4:22</p>
---	---	--	--

[marked - multiple]

<p>marked 85:16 market 44:22 56:3,3,12 84:9 87:18,22 91:6 91:7,17 92:10 95:22 99:5,6 marketplace 10:18 51:21 52:14,17 marking 87:20 material 49:16 49:20 materially 8:19 8:23 matt 3:17 5:15 5:20 matter 14:17 26:22 47:24 64:16 matters 73:13 matthew 2:6 mean 17:12 24:19 34:8 38:13 41:5 50:4 56:6 74:7 88:18 95:10 meaning 96:3 means 7:17 63:15 95:14 meant 48:2 69:3 72:15 meeting 34:21 34:22 50:16 51:15,20 70:9</p>	<p>meetings 10:20 10:21 58:3 meets 57:23 member 9:17 17:25 members 7:1 14:22 15:5 17:16 18:2 19:13 25:2 26:21 27:12 memorialize 55:15 mention 35:23 63:13 97:6 mentioned 15:2 35:22 46:12 57:13 64:14 merits 95:11 97:5,8,11 mess 16:7 94:14 met 96:5 mgmwc 16:5 20:2 22:12 microphone 5:3,24 middle 6:13,15 18:23 37:2 38:9,17 44:21 85:21 87:15 mike 2:19 44:1 76:21,22,23,25 92:23 million 14:9 96:19</p>	<p>mind 37:12 40:21 61:9 minutes 67:17 67:24 misquote 19:25 missing 71:17 78:11,20,25 79:4 mission 26:15 misstating 22:3 mistake 73:4,6 misunderstand 41:9 misunderstan... 74:15 mjensen 2:9 mm 76:12 moment 50:12 morgan 2:13 10:14,21 24:2 34:21 84:25 85:9 morning 5:11 motion 10:2 23:15 motivated 15:12 mountain 2:4 3:9,18 7:2 9:3 11:19,21 12:22 13:21 14:7,16 14:17,20,23 15:4,10,16 17:15,25 18:3 18:16 19:6,13</p>	<p>20:5,14,23 21:4 24:24 25:2,7,17,24 26:5,7,13,17,18 26:20 27:4,9 27:10,15 29:24 30:7,8 31:5,15 36:10,14 37:10 40:7 42:7,12 42:21 43:10,12 43:13,14,20 46:12 49:11 53:18 56:19 57:1 58:12 59:3 61:7 62:25 65:23 68:3 70:8 79:11 88:3 90:22 91:3,12 91:20 92:19 94:5 95:12 96:3,12,23 97:4,12 move 46:9 47:11 65:16 83:20 91:22 movement 20:20 moving 67:21 69:17 84:19 mt 1:11 99:21 muddled 43:2 multiple 10:14 10:20 42:5 52:15 66:24</p>
--	---	---	--

[mute - officer]

<p>mute 7:6,13 23:10 mutual 2:4 3:9 3:18,21 7:2 9:3 10:3,7 11:19 11:22 12:23 13:20,22 14:7 14:12,16,16,18 14:20,23 15:1 15:2,4,10,16 17:15,16 18:1 18:3,16 19:6 19:13 20:6,23 21:2,5 25:2,7 26:6,7,13,17,19 26:20 27:5,9 27:10,15 30:7 30:8 31:15 35:11,21 36:2 36:2,8,10,12,15 40:8 43:21 44:1 49:11 53:18 56:1,13 56:19,20 57:1 58:12 61:7 62:7 63:1 65:24 66:19 68:3,18,25 69:6 90:10,20 90:22 91:3,5 91:13,16,21 92:20 94:5,7 95:13 96:3,13 96:23 97:4</p>	<p style="text-align: center;">n</p> <p>n 2:1 3:1 name 84:16 100:16 names 84:1,2 narrow 98:13 nate 2:17 4:24 nature 26:24 necessarily 62:2 necessary 23:23 28:22 36:8 necessity 12:3,6 12:10,16 13:10 70:25 96:25 need 5:10,23 12:2 13:21 14:22,22 15:9 19:20 29:16 32:10 33:16,17 33:18 41:13 42:4 51:18 59:13 61:14 76:14,19 88:11 88:12,13 90:13 91:9 97:4,19 needed 35:14 needing 62:2 needs 28:25 52:9 83:3 neighboring 46:21 neighbors 63:6</p>	<p>nelson 9:11,13 9:16,18 nervous 90:19 new 48:5 nice 65:3 night 48:2 ninth 44:14 non 80:18 90:14 normal 7:16 north 2:13 note 4:1,8 6:9 8:22 10:1 13:18 33:7 78:10 notes 19:24 54:14 64:12 100:12 noting 40:23 notion 29:14 31:9 40:24 number 6:19 20:1 63:11,12 68:2 72:3,4,5 73:9,11 77:17 78:1 83:8 94:10 numbers 71:16 71:20,24 77:20 78:22 79:4 81:18 82:10</p> <p style="text-align: center;">o</p> <p>o 3:1 oo 1:2 3:2</p>	<p>objection 43:25 obligation 22:23 oblong 86:15 observations 91:1 observer 69:17 observers 6:11 observing 6:16 obstacle 46:25 obtaining 13:15 obviously 17:14 38:18 84:15 occasions 10:14 occurred 35:8 offended 4:16 5:24 office 3:20 37:3 37:25 52:20 57:13 officer 2:3 3:3 3:25 4:24 5:1,6 5:14,17,21 6:7 6:14,17,23 7:4 9:7,10,15,18,21 15:18 16:4,7 16:13,22 17:2 17:4,10,19 18:9,17,19 19:3,7,10,14 20:8 21:8,19 22:2,5,9 23:7 23:11 24:17</p>
--	---	---	--

[officer - orderly]

<p>25:8,11 26:3 27:22 28:6 29:2,13,23 30:18,24 32:13 33:10,14,24 34:3,5,8 35:15 35:20 36:16 37:8,15,17,23 38:1,21 39:21 40:18 42:9,19 43:6,10,22 44:8 45:3,14 45:18 47:2,7 47:11,21 48:13 49:8,12 51:2,8 51:12 52:3,22 53:2,6,11 54:15 55:10,22 58:23 59:15,18 60:20 61:12,23 61:25 62:4,18 63:21,24 64:1 66:11,21 67:1 67:6,11,13,23 68:1,16,19 69:9,12 71:2,6 71:12,23 72:6 72:9,12,14,21 73:1,5,12 74:3 75:1,6,10,16 76:13,23 77:1 77:3,23 78:4,9 78:14,19 79:6 79:15,22 80:5 80:8,15,21</p>	<p>81:1,5,8,11,22 82:1,14,16 83:5,13,22 84:10,13,16,19 85:2,4,10,18,25 86:4,8,13,20,24 87:5,8,12,14,19 87:21,24 88:6 88:10,16 89:13 89:17 90:2,6,9 93:4,7 97:24 98:11 99:2,7 99:12,18 officers 10:13 oh 4:3 52:16 65:25 72:20 73:9 87:21 okay 3:12,13 3:13 5:1,5,6,14 5:21 6:4,7,17 6:23 7:4 8:7 9:18 16:4,7,9 16:13,25 17:3 17:7,10,11,19 17:20 18:10,12 18:13,17 19:7 19:10,14,18 20:8 21:8,9,19 22:10 24:17 26:3 28:6 29:2 29:13,23 30:18 30:24,24 33:13 33:24 34:3,5,6 34:7 35:15,20 36:16,16 37:8</p>	<p>37:24 38:21 39:21 40:18 43:6,22,22 44:8 45:14,20 47:2,7,7,19,22 48:15 49:6,12 51:7,11 52:13 53:6,11 55:22 55:25 58:21 59:17 60:24 61:3,23,25 62:5,18 63:3 63:24 64:1,13 66:17,21,25 67:1,2,11,21,23 68:1,19 69:9 69:12,19 70:13 71:2,2,2,3,4,5 71:11,12,23 72:2,9,12,23 73:12,12 74:13 74:17 75:1,6 75:10,16,16,22 75:24 76:13 77:1,3,8,13 78:4,9,9 79:6 79:14,22 80:5 80:8,15,21 81:3,5,25,25 82:1,14 83:4 83:13,21 84:10 84:13,16,19 85:4,24 86:11 86:13 87:5,8 87:14,24 88:6</p>	<p>88:10,11,15,16 89:13,17 90:6 90:9 93:4,7 98:6,11,17 99:7,12 old 38:20 79:2 94:3 once 12:16 46:24 ones 10:24 65:13 92:3 ongoing 15:1 operating 89:19 operations 11:14 13:13 operator 4:25 opine 47:15 opinions 90:25 opportunity 7:22 opposed 20:23 opposing 49:2 opposition 7:21 7:23 11:10 48:4 50:5 66:20 73:23,25 oral 68:2 100:15 order 7:10 23:3 24:22,22 32:11 99:14 ordering 70:2 orderly 8:18</p>
---	---	--	--

[orient - petitioners]

<p>orient 33:16 67:19 87:1</p> <p>orientation 7:16 19:20 59:23</p> <p>original 45:6 62:14 89:8,14</p> <p>originally 90:18</p> <p>ought 27:3 38:10 39:3</p> <p>outline 30:15 32:24 33:22 39:24 54:21 55:17 63:19,19 82:3</p> <p>outlined 21:7 39:17,22 40:3 53:24</p> <p>outside 30:4 41:25 43:9 69:16</p> <p>outstanding 46:19</p> <p>overall 40:2 47:4</p> <p>overlapping 10:7 13:19 43:3</p> <p>overstated 48:1</p> <p>own 16:1 18:7 25:4,20 48:24 52:23</p> <p>owned 17:18 17:21 22:13</p>	<p>26:14 27:11 30:14</p> <p>owner 14:1 16:16 17:25 18:22 90:20</p> <p>owners 28:3 29:7 46:22</p> <p>ownership 14:9</p> <hr/> <p style="text-align: center;">p</p> <hr/> <p>p 2:1,1 3:1</p> <p>p.m. 99:21</p> <p>pace 4:6</p> <p>page 22:12 78:22 79:3,3 79:20 80:13 81:16</p> <p>pages 78:10,20</p> <p>papers 79:2</p> <p>paperwork 53:25</p> <p>paragraph 20:1 21:9,10 22:4,12 48:12 49:15 52:6 71:8 73:15 77:19 78:2</p> <p>parallel 31:21</p> <p>parcel 16:16,17 37:1,2 45:25 46:4 54:5,9 61:18,19,19</p> <p>parcels 22:13 37:2 44:18 45:10 46:3 54:3,8 66:5,8</p>	<p>68:15,15 85:16</p> <p>pardon 9:7 23:8 70:12 82:24</p> <p>park 28:7 46:8 76:18</p> <p>parr 2:7</p> <p>parrbrown.com 2:9</p> <p>part 17:12 18:25 21:11 22:10,11,14 26:14 28:20,20 47:4 48:7 49:17 58:4,17 61:19 64:6,8 76:11,15 94:22</p> <p>partially 79:8</p> <p>participant 13:22</p> <p>participate 96:15</p> <p>particular 10:16,24 16:10 35:1,4 83:20 84:2</p> <p>parties 21:21 22:17 24:14 25:15 69:15,20 95:13</p> <p>partner 99:6</p> <p>partners 52:14 52:17</p> <p>parts 69:17</p>	<p>party 15:11,12 16:11 18:21 24:18 26:18,19 36:9,9 69:22 70:10 77:4,5</p> <p>patience 36:18 68:7</p> <p>pedantic 36:19</p> <p>pedantically 59:13</p> <p>pending 46:10 46:17 88:3</p> <p>penned 22:24</p> <p>people 27:19 67:3 69:21</p> <p>percent 89:9</p> <p>person 4:5 51:4</p> <p>perspective 28:2 88:25</p> <p>petition 3:8,24 7:18,23,24 8:15 11:8 13:24 16:11 18:21 19:23 20:1 23:15,25 27:24 48:4 59:5 68:2 73:23 85:12 97:23</p> <p>petitioner 13:24 98:5</p> <p>petitioners 3:15 7:17 8:2 8:16 9:24 11:2 35:25 36:4,7</p>
---	--	---	---

[petitioners - presiding]

<p>37:5 40:13 41:20 83:15 85:14 93:17 96:2 phone 6:19 17:23 phrase 89:14 pick 68:8 72:22 piece 18:7 27:20 85:11 piecemeal 40:15 pineview 42:12 pipes 63:1 pitched 18:24 place 29:6 39:2 46:23,24 83:23 100:10 places 84:1 plan 47:4 planned 73:21 74:13 planning 19:22 20:2 42:3 88:7 93:2 plans 22:12 plat 82:7 play 20:11 36:3 83:16 playing 90:11 plays 37:16 pleading 29:20 76:14 please 3:15 4:15,15 6:20</p>	<p>7:13 8:8 9:22 18:11,12 22:9 23:10 37:15 47:18 53:3 55:13 59:16 61:1 93:14 plenty 65:6 plot 54:7 81:9 plotted 54:7 podium 51:5 point 8:7 9:1 11:7,23 19:17 20:10 22:18 28:17 34:23,23 48:15 55:15 56:3,8 61:11 61:13 62:1,1 62:13 63:14,15 64:16 67:12,19 68:21 76:15 77:15 80:9 86:25 91:9 94:2 pointed 56:5 62:8 points 64:19 77:14 portion 18:15 portions 34:4 64:4 position 3:23 10:5,13 11:23 21:20,23 22:20 28:10 96:22</p>	<p>positions 11:6 11:17,21 possibilities 20:24 possible 5:23 11:13 16:21 31:13 32:2 75:9 possibly 54:25 55:2 potential 40:5 43:4 potentially 28:13,16 preparation 99:14 prepared 47:14 94:19 preparing 44:6 present 2:16 7:11,19,22 8:2 20:9 95:13 97:16 presentation 15:19 34:11 46:13 47:13 56:25 presentations 4:13 99:13 presented 24:1 34:20 36:20 50:6 presenting 27:5 president 2:12 3:21 4:22</p>	<p>presiding 2:3 3:3,25 5:1,6,14 5:17,21 6:7,14 6:17,23 7:4 9:7 9:10,15,18,21 15:18 16:4,7 16:13,22 17:2 17:4,10,19 18:9,17,19 19:3,7,10,14 20:8 21:8,19 22:2,5,9 23:7 23:11 24:17 25:8,11 26:3 27:22 28:6 29:2,13,23 30:18,24 32:13 33:10,14,24 34:3,5,8 35:15 35:20 36:16 37:8,15,17,23 38:1,21 39:21 40:18 42:9,19 43:6,10,22 44:8 45:3,14 45:18 47:2,7 47:11,21 48:13 49:8,12 51:2,8 51:12 52:3,22 53:2,6,11 54:15 55:10,22 58:23 59:15,18 60:20 61:12,23 61:25 62:4,18 63:21,24 64:1</p>
--	---	--	--

[presiding - providers]

<p>66:11,21 67:1 67:6,11,13,23 68:1,16,19 69:9,12 71:2,6 71:12,23 72:6 72:9,12,14,21 73:1,5,12 74:3 75:1,6,10,16 76:13,23 77:1 77:3,23 78:4,9 78:14,19 79:6 79:15,22 80:5 80:8,15,21 81:1,5,8,11,22 82:1,14,16 83:5,13,22 84:10,13,16,19 85:2,4,10,18,25 86:4,8,13,20,24 87:5,8,12,14,19 87:21,24 88:6 88:10,16 89:13 89:17 90:2,6,9 93:4,7 97:24 98:11 99:2,7 99:12,18 pressing 51:9 pressure 35:13 pretend 48:17 prevents 13:19 previously 79:19 86:7 primary 25:3 95:25</p>	<p>principal 7:3 17:24 90:22 principals 27:14 probably 42:10 74:9 82:6 problem 9:9,23 61:24 82:19 problematic 11:1 27:16 problems 24:10 procedural 76:20 proceed 8:8 47:17 71:15 proceeding 7:17 8:5,24 9:5 11:22 13:23,25 15:17 27:12 32:6,7,12 36:14 48:7,16 60:13,22 71:16 91:19 94:24 96:5,7 97:12 98:8 proceedings 8:17,19 71:10 71:13 100:9,11 100:15 process 23:13 24:10 42:15 product 13:14 professional 100:8</p>	<p>progressed 34:19 prohibits 24:5 project 10:18 10:25 20:3,4,7 24:3 25:3 26:11,16 27:18 27:20 39:16 40:3,16,17 43:20,20 51:22 51:24 53:19 56:22 projected 74:17,21 promised 99:9 prong 15:24 proof 23:18 proper 52:4 properties 30:16 property 14:2,4 17:25 24:13 28:3 29:7,11 39:8,9 41:24 46:22 49:23 50:1,7 52:9,15 52:21 53:14 56:2 62:21,22 62:23 64:4,7 84:8,12 89:8 89:12 92:25,25 94:20 95:7 propose 67:14 67:14</p>	<p>proposed 18:15 40:25 41:1 proposing 96:10 protect 32:6 protected 13:24 25:7,18 protection 46:19,23 protective 23:3 protest 68:18 92:24 protesting 92:16 provide 12:2,10 14:21 21:5,6 22:12 24:12 26:9 35:18 50:4 51:23 provided 12:17 26:16 44:11 73:25 77:10,12 provider 15:4 20:6 24:6 27:21 29:9 30:9,10 39:5,5 40:17 43:2,19 49:23,25 50:10 50:11,13,14 51:18,21 92:9 95:9,16,19 96:14 providers 20:22 30:4 42:5</p>
--	---	--	---

[provides - red]

<p>provides 8:14 12:16,17 60:1</p> <p>providing 20:2 24:15 30:12 35:4 36:10 39:10 51:25 96:13</p> <p>provision 13:2 23:3</p> <p>provoked 79:11</p> <p>psc 27:1 94:17 94:24</p> <p>public 1:1,9 2:2 6:10 10:8,22 11:12,14 12:1 12:11,24,25 13:5,13,20 29:9 32:4 48:16 52:5 54:1 60:8 74:21 97:18</p> <p>publicly 49:16</p> <p>pull 45:2 66:2 67:9,9</p> <p>purely 20:6</p> <p>purports 80:16</p> <p>purpose 37:20</p> <p>purposes 60:22 81:6 82:17</p> <p>pursuant 30:19 30:22</p> <p>put 13:17 15:11 15:13 27:14 33:7,17 34:22</p>	<p>38:9 41:1 46:5 50:15 53:23 58:14 59:9 61:4 74:19,19 85:13 86:6,23 92:13,14 95:9 96:11</p> <p>puts 46:2</p> <p>putting 42:15 61:10</p>	<p>75:14 86:14 97:22,25</p> <p>quickly 63:11 72:18 93:21</p> <p>quite 44:6 73:17 94:15</p> <p>quote 10:2 11:13 71:8</p> <p>quoted 21:15</p>	<p>reason 10:3 17:12,17 39:10 64:6 83:24 98:23</p> <p>reasoning 15:7 39:3</p> <p>reasons 11:18 11:19 15:15 63:9</p> <p>recall 86:10</p> <p>recalling 23:14</p> <p>recap 93:18</p> <p>receive 26:10 28:4 89:9</p> <p>recent 68:22</p> <p>recently 35:7 57:24 91:16</p> <p>recess 67:25</p> <p>recognize 10:12</p> <p>recognized 65:16</p> <p>recollection 51:17</p> <p>reconcile 74:7</p> <p>record 4:17 59:11 61:1 71:24 72:24 100:14</p> <p>recorded 54:22</p> <p>records 81:14 81:16</p> <p>red 32:24 33:21 39:23,24 40:6 46:5 55:17</p>
	<p>q</p> <p>qualms 10:5</p> <p>question 18:20 22:16 33:15,19 35:3 37:18 40:22 45:20 46:9 49:1 55:25 62:23 65:2 71:3,17 73:22 79:23 82:22 84:22 85:5 88:16 90:9 92:17 94:25</p> <p>questioned 58:5</p> <p>questioning 93:22</p> <p>questions 4:13 7:20,25 8:4,6 14:5 15:22 19:18 30:25 31:2 36:19 44:24,25 47:16 67:21 69:10</p>	<p>r</p> <p>r 2:1 3:1 70:23</p> <p>raised 53:16</p> <p>raising 24:21</p> <p>rate 78:6</p> <p>read 13:11 22:7 22:21 44:3,4,4 44:5 48:8,12 49:9,15,18 71:24 74:8 77:23</p> <p>reader 71:14</p> <p>reads 73:18</p> <p>ready 41:8</p> <p>real 31:9 88:20</p> <p>really 5:3 9:2 31:16 34:22 35:17 36:18 39:9 41:5,12 41:18 45:7 50:18 52:11 55:14 72:18 76:8,9 91:8,9 93:9,13</p> <p>realty 24:12</p>	

[red - restate]

<p>58:15,16 61:5 63:18,19 80:12 82:3 85:21 87:14,15,15,21 redline 74:1 refer 32:19 62:2 82:20 85:23 94:18 reference 10:17 19:24 46:10 62:9 70:18,21 77:19 79:24 83:23 86:21 referenced 16:9 39:19 48:3 92:25 references 77:16 referencing 22:22 45:17 referred 29:20 44:21 54:3,20 55:7 63:11,12 63:21 66:1 82:20 84:8 referring 61:1 66:14 90:3 refers 79:1 refined 60:12 reflect 73:19 reflects 78:16 95:1 refreshing 68:8 regard 85:6</p>	<p>regarding 3:5 regime 27:11 regional 42:2 registered 100:8 regulated 10:4 regulation 11:12 relate 15:22 related 8:23 31:22 93:23 98:13 relates 23:17 36:3 41:22 relating 91:25 relative 44:20 56:6,6 89:20 relevant 7:24 92:13 95:5 97:20 reliable 43:1 relinquishes 49:25 relying 79:8 remember 7:6 44:4 68:21 82:2 remembrance 51:16 repeat 5:24 reply 8:2 11:10 15:9 31:4 34:10,14,19 45:13 93:14 98:1</p>	<p>reported 1:25 reporter 4:2 6:5 17:9 59:11 66:13 90:8 100:7,7,8 reporter's 100:2 represent 19:2 55:18 79:9 80:16 representation 33:21 37:4 44:13 55:17,18 80:12,12 82:23 represented 19:5 21:20 32:23 33:1 36:25 39:17 49:3 55:16 84:24 representing 32:25 represents 32:24 request 1:3 3:6 8:12 13:16 15:3,15 23:22 23:22 27:24 31:6,13,19 39:14,15 41:13 41:14 44:15 45:7 53:22 55:15,19 56:10 59:4 63:22 70:7,13,20</p>	<p>74:8,16 75:20 94:1,8 97:13 requested 74:5 requesting 73:18 75:22,24 requests 53:7 95:20,21 require 49:22 requirement 57:23 reset 6:8 respect 11:24 13:15 20:4 26:11 27:2 31:17 36:6 85:19 93:16 95:5 respective 23:18 respond 98:15 responded 10:1 73:24 response 11:8,9 11:25 15:2 38:7 43:24,25 44:10,11 66:19 68:17 85:11 94:6,7 responses 47:16 responsibility 50:19 restate 31:8,10 55:12</p>
--	--	---	---

[restated - serve]

<p>restated 57:24 result 35:3 rid 42:24 right 3:11 10:19 12:18 15:3 22:3 25:5 25:14 26:25 27:23 29:21 37:22,24 39:4 40:14 42:6,14 44:21 58:22 59:14 60:9 61:5,18,19 64:1 67:5,8 69:24 70:22 71:24 74:2 78:18 83:12 84:18,18 86:17 87:17,25 89:4 89:23 99:12 rights 26:5 27:7 ringing 59:7 ripen 14:8 risk 31:15 36:14 48:24 road 20:10 38:20 57:14 93:1 94:3 roam 92:25 robust 43:1 role 36:1 43:15 90:10,14,14,21 92:16</p>	<p>rough 87:18,22 rpr 1:25 100:22 rulon 2:18 6:21 6:25 7:1,2 23:9 90:18,19 run 70:14</p> <hr/> <p style="text-align: center;">s</p> <hr/> <p>s 2:1 3:1 sake 94:16 salt 2:8 salter 2:18 6:12 6:13,15 satisfied 8:15 saw 3:13 5:22 43:24 saying 22:4 29:8 41:9 47:4 53:16 57:16 61:16,20 63:9 65:12 75:4,21 82:9 98:20 says 21:23 49:19,21 50:13 53:5 62:11 67:17 71:8 72:19 87:18 scale 38:11 scheduled 3:5 screen 16:19 37:13,19 58:15 59:16 60:15 61:4 93:24 seat 11:3 31:16 31:24 32:10 97:4,19</p>	<p>sec 25:12 second 6:1 8:17 8:23 11:7 19:8 22:6 41:2 45:12 48:14 55:11 58:23 70:22 75:11 76:11 85:22 seconds 86:3 section 8:13,14 12:1,12 13:8 18:14 see 5:17 6:8,9 13:11 17:6,8 18:8,9 19:21 22:20 26:1,1 37:14 49:18 51:15 60:4 61:17 63:3 64:12 67:8,24 71:10 72:2 74:18 77:21 78:1,23 79:4 79:24 84:17 86:1,17,21,22 89:3 90:10 94:9 seeing 86:10 seeking 12:14 seeks 55:14,15 seem 70:4 77:25 83:16 seemed 53:15 seems 18:22 48:6 62:12</p>	<p>80:15 88:18 seen 21:20,22 58:10 80:2 92:3 95:2 selected 29:8 semi 69:18 sense 32:8 38:10 41:7 82:15,16 sent 53:21 sentence 22:11 22:11,22 71:7 separate 12:24 19:9 20:25 31:6 45:9 september 70:20 serve 12:18,25 17:16 34:12 37:4 38:5 39:18,23 40:4 40:5 43:16 50:7,19,24 52:9,15,20 53:8,14,18,25 54:25,25 55:2 55:4 56:2,10 56:14,14,22,24 57:1,2,3,12,12 57:14,15 61:18 61:19,21,22,22 62:14,21 64:5 64:8 65:6,8,13 65:14,19 81:15 81:20 89:11</p>
---	--	--	---

[serve - smack]

<p>91:5,10,11,13 91:17,17,22 92:22 96:23 98:25 served 29:10,11 35:8 serves 13:1 36:25 75:20 service 1:1,4 2:2 3:7 8:12 10:4,7,16,24 11:11,12 12:2 12:24 13:5,20 13:22 14:3,6 14:10,22,23 18:16 20:15 21:12,24 22:13 22:15,19,20 23:22 24:3 27:2,13 28:4 28:23 29:11 30:5,7 31:18 32:1,3,6 33:1,6 34:1,16 38:15 38:16,19 39:15 40:10,25 43:3 48:5 50:20 51:19 52:5 53:22 54:2,2 54:11,13,19,21 55:5,20 58:13 58:17,18 60:1 60:8,17 61:8 61:20 62:10,11 62:16 63:20</p>	<p>64:8,10,23 65:9,15 66:7,9 71:8,21 73:18 73:20,21 74:6 74:12,17,20,21 74:22 78:7 82:24 83:11 84:24 87:10 91:25 92:4,8 92:10,17 93:23 94:8,21 95:1 95:16 96:8,14 97:2,18 98:23 98:24,24 services 30:16 servicing 60:16 serving 25:9 37:9 63:6 65:1 65:10 set 21:5,6 27:14 97:17 100:10 sets 77:10 setting 6:2 96:10 settlement 21:17 22:22 23:1 24:5,15 24:19 25:22 26:18,19,22 27:3 28:25 30:25 47:24 48:3,8 52:19 62:12,13 89:25 95:5,6,20</p>	<p>shape 90:12 share 16:19 37:13 48:10 93:24 shared 29:16 48:11 49:10 shareholder 43:16 shareholders 13:1 18:2 38:4 43:17 60:18,19 sharing 16:24 60:15 short 67:14 shorthand 100:6,12 shortly 3:22 shot 16:25 show 19:16,16 54:10,24 57:22 58:19 62:6,7,7 62:9 66:8 70:9 71:20 showed 21:7 30:15 54:1,8 98:21 showing 44:19 54:21 63:19 shown 39:18 41:17 62:10 shows 44:16 66:4,5,6,6 68:15 78:24 81:16,17</p>	<p>side 23:24 37:1 37:3 57:14 86:16,17 87:7 95:14 sides 7:11 62:21,22,23 signature 100:22 significant 14:5 14:11 25:14,16 27:25 29:25 31:14 34:25 35:3,12 49:3 significantly 93:16 signify 40:12 simms 1:25 6:3 100:6,22 simply 30:11 30:12 54:19 55:4 sinclair 42:14 single 8:10 42:5 52:5 sir 33:10 sit 21:4 36:9,13 sitting 5:19 67:4 situation 21:3 90:11 six 56:8,11,14 62:24 67:17,24 slow 36:22 smack 18:22</p>
--	---	---	--

[small - stay]

<p>small 42:2 67:14</p> <p>smith 2:12,17 4:22,22,23 5:2 5:5,12 9:15,17 9:20 17:6 39:22 46:17 47:6,19,22 49:7,9,13 51:2 51:7,11,13 52:4,22 53:1,5 53:7,12 54:17 55:11,21,24 58:24 59:9,14 59:17 60:7,25 61:1,3,16,24 62:3,5,19 63:23,25 64:2 66:11,17,25 67:5,8,12,18,22 68:9,12,17,20 69:10,11,14 70:7 71:1,5,11 71:19 72:2,8 72:11,13,20,23 73:4,8 74:2,17 75:2,7,14 76:12,21 77:22 78:3,6,13,18,21 79:14,17 80:2 80:6,14,20,24 81:3,7,10,13,25 82:4,15 83:4 83:12,21 84:6 84:11,14,18,25</p>	<p>85:3,8,17,24 86:6,11,14,19 86:22 87:3,6,9 87:13,17,20,23 88:5,9,15 89:16,23 90:5 90:16 93:5 94:12 98:2,9 98:17 99:3,17</p> <p>snow 42:11</p> <p>soderby 15:5 16:9 17:21,22 17:24 18:4,6 18:21 19:2 21:18 22:13 24:14,17 25:1 25:4,17 26:8 26:14 39:8,16 43:17,18 53:5 88:17 89:6,7 94:20 95:18</p> <p>soderby's 25:18,21 26:4 26:25 95:16</p> <p>sole 15:4</p> <p>somebody 6:18 23:8 25:13 80:22,23</p> <p>soon 67:24 91:4</p> <p>sorry 4:3 5:5 6:15 22:2,6 25:8 27:24 41:4 48:14 66:25 73:4 81:25 86:25</p>	<p>89:16 90:6,19</p> <p>sort 19:12</p> <p>sound 55:8</p> <p>sounds 19:15 28:15 74:14</p> <p>source 46:19,23</p> <p>sources 30:4 83:9</p> <p>south 2:7 94:3</p> <p>southeast 18:15</p> <p>speak 4:10 7:9 7:14 19:1 50:21 57:5 64:21</p> <p>speaker 6:2,8</p> <p>speakers 4:9</p> <p>speaking 7:7 16:24 45:24</p> <p>speaks 4:5 64:22</p> <p>special 20:15</p> <p>specific 10:18 22:6 24:12,25 25:16 31:3 52:24 59:5 66:12 84:23 86:14 98:4</p> <p>specifically 3:8 14:1 29:7 31:7 34:13,24 38:3 40:24 41:21 45:5 73:6 93:15</p> <p>spoken 57:9</p>	<p>spokesperson 51:10</p> <p>stage 77:11</p> <p>stake 76:17</p> <p>stakes 38:23</p> <p>standpoint 20:21</p> <p>stands 40:1</p> <p>start 31:10 70:13</p> <p>started 91:7</p> <p>state 20:11 100:3,7</p> <p>stated 10:13 11:23 28:3 62:20 89:9</p> <p>statement 13:2 13:10 23:25 24:7 26:4,15 28:18 50:7,9 50:25 51:14 52:2 58:2 97:1 99:4</p> <p>statements 47:15 92:18</p> <p>states 20:2</p> <p>static 21:3</p> <p>stating 11:11 53:15</p> <p>station 42:14</p> <p>status 46:13,15</p> <p>statute 10:10 12:4,13 13:6</p> <p>stay 40:20 81:2 81:2</p>
--	--	---	--

[staying - thank]

<p>staying 21:9 78:9</p> <p>stop 75:10</p> <p>storage 57:6,11</p> <p>store 38:9 56:12</p> <p>stretch 87:25</p> <p>sub 72:4,10,10 72:19 73:11,11 77:17,17 94:10 94:11</p> <p>subdivision 56:9,11,14 57:14 62:24 93:1</p> <p>subject 7:20 8:3 24:13</p> <p>submission 41:16 76:15 77:10</p> <p>submit 97:23</p> <p>submitted 31:12 58:15 59:2 60:6 74:4 78:16 85:14</p> <p>submitting 23:5</p> <p>subscribed 100:16</p> <p>subsection 12:13 13:7</p> <p>substantial 15:23 26:14 46:15 47:5</p>	<p>substantially 8:16 9:4,25 36:7 96:4</p> <p>success 65:7</p> <p>successful 17:1</p> <p>succinct 98:1</p> <p>sudden 32:5</p> <p>sued 89:23,24</p> <p>sufficient 68:15 68:20</p> <p>suggest 95:2</p> <p>suggested 74:20</p> <p>suggesting 10:23</p> <p>suite 2:8</p> <p>supplier 12:14</p> <p>supplies 13:14</p> <p>supply 14:12 26:10,12 27:10 27:11,15 35:14</p> <p>support 26:22 29:4 61:15</p> <p>supported 13:6</p> <p>suppose 31:20</p> <p>supposed 73:2</p> <p>sure 4:5 11:3,4 11:17 22:7 26:9,15 32:11 35:7,22 38:24 40:9 43:19 44:5 46:22 54:9 73:17 77:12 97:19</p>	<p>surrounding 91:18</p> <p>surveyor 84:21</p> <p>system 14:6 35:11 57:18,20 57:25 58:10 96:17</p> <p style="text-align: center;">t</p> <p>table 7:14 11:3 31:17,24 32:10 41:2 97:5,19</p> <p>take 15:24 24:22 36:22 43:15 54:15,16 59:19 67:2,2 67:14,16 68:5 92:19,20,21 93:2 96:22</p> <p>taken 1:10 51:5 51:5 54:14 67:25 100:9,11</p> <p>talk 12:20 33:9 45:8 65:2,10 65:11,21 70:6 88:12</p> <p>talked 40:23 58:9 81:18 88:20 97:7</p> <p>talking 37:25 43:7 67:7 68:11 69:7,14 75:21 81:24 82:9 84:7 85:23 86:1 88:1</p>	<p>talks 13:8</p> <p>tammy 2:6 3:19</p> <p>tank 14:9 56:23 96:19</p> <p>tanks 34:24 35:1 57:17,20</p> <p>tasked 40:9</p> <p>team 95:22</p> <p>teaming 14:25 36:11</p> <p>technologically 16:24</p> <p>teed 10:19</p> <p>tell 51:2 53:12 66:23,23 67:9 77:9 78:21 98:12</p> <p>telling 88:13</p> <p>tells 71:14</p> <p>ten 86:2</p> <p>term 14:8</p> <p>terms 4:13 15:7 22:19 28:4 30:9 38:16 94:10 96:13,14</p> <p>territory 82:3</p> <p>test 82:18</p> <p>testimony 35:19 66:21 79:25 84:22</p> <p>tests 57:21</p> <p>text 12:4 60:2</p> <p>thank 3:25 4:18 5:1 6:6,17 7:4 8:9 9:19 15:18</p>
---	--	---	---

[thank - try]

<p>16:18 17:7 19:15,19 20:8 21:8 22:9 28:9 30:25 40:18 43:22 47:9,10 49:7,7 51:11 51:12 52:3 54:17 55:24 62:4,5 67:22 68:19 69:12 85:10 86:13 87:24 93:8,19 93:20 97:25 98:7 99:7,7,13 99:17,18 thanks 68:7 99:14,15 thereof 100:15 thing 7:9 12:21 21:4 22:25 23:24 31:15 55:3 57:16 66:1 69:13 90:15 things 14:2 20:21 23:24 24:21 26:9 27:19 39:12 40:4,5,6 42:13 43:2 47:23 48:2 53:15 58:14 59:12 69:19 70:11,15 71:15 74:10 76:2 91:1</p>	<p>95:14 97:6 think 3:22 10:6 10:11 11:21 12:21 15:10,12 16:19 19:5,11 19:19 20:24 21:25 22:23,25 23:13,21,23,24 24:6 25:5,6 26:1,1,6 28:2 28:19,22,23,24 29:3,3,5,20 30:2 32:13 33:8,15 34:4 34:18,22 35:18 36:8 37:13 38:7,17 39:2 40:11 41:23 42:1,4,16,25 43:8,13,14,17 44:21 45:4,9 46:2,9,18,24 47:7,8,25 50:20,22 52:4 52:9 55:12,13 58:2 59:6 60:5 60:11,11 61:25 62:1,16 64:18 65:23 68:14,20 70:1 73:1,15 73:16 74:8,11 76:1,10 78:8 79:6 86:22 90:16,24 91:2 91:2,12 92:12</p>	<p>92:13 95:4,11 95:12,14,17 98:19 thirds 40:16 thought 19:19 41:6 70:3 77:24 82:23 93:21 thoughtfulness 93:9 thousand 38:14 three 37:2 44:18 45:10 46:3 54:4,9 62:20,21,23,24 66:8 68:15 77:14 thrust 47:5 thursday 1:10 tile 5:23 time 3:5 4:9 5:3 5:8 12:19 32:1 33:17 54:8,16 67:2,18 98:8 99:16 100:10 times 48:3 52:15 titled 43:25 77:16 85:15 today 3:3 4:2 14:18 21:4 35:22 36:9,13 47:23,25 55:18 55:25 60:23 74:7 75:8 77:7</p>	<p>79:12 96:1 98:8 together 46:3 told 32:15 66:22 ton 42:22 took 44:20 top 15:25 45:11 topic 83:20 totally 32:9 toward 63:4 town 42:21 43:1 84:23 township 85:2 tracking 28:10 trailer 83:24 84:4 transcribed 4:14 100:12 transcribing 4:4 transcript 100:14 transcription 100:13 trappers 2:5 3:10,19 7:3 9:4 17:18 18:4,14 42:11,24 68:4 true 26:17 56:6 58:8 100:14 try 4:10 19:16 19:25 53:3 68:9 77:5 79:17,20,20</p>
---	--	--	---

[try - wagon]

<p>93:2 trying 4:3 16:14 19:12 23:8 31:16 44:4 54:22 55:8 59:11 64:9 65:8 74:6 79:9 82:17 89:17 93:13 99:1 tune 96:19 turn 8:7 93:10 turns 12:7 two 6:19,24 8:15 14:9 18:2 18:2,2 20:1 25:1,15,20 32:18 37:4 40:16 54:4,8 62:20 63:9,12 74:10,12 76:2 80:25 85:20 86:15 87:2 88:21,21 89:18 90:17,17 96:20 98:9 type 20:15 types 38:19</p>	<p>uncertainty 41:15 uncomfortable 58:25 uncommon 30:3 under 8:12 10:10,19 74:9 77:19 undermine 31:5 undermined 11:5 undermining 31:10 32:11 understand 5:18 16:14 25:12,13,22 28:9 30:12 53:3,9 57:17 67:3,12 69:6 75:4 89:18 91:2,2 understanding 32:21,22 33:2 34:9 74:9 76:19 84:3 85:20 91:12,16 understood 90:23 unfortunately 36:22 unincorporated 84:25 85:8</p>	<p>unintentional 71:18,19 uninterrupted 7:11 unjustifiable 28:1 unmute 7:8 unmuted 47:19 update 1:3 3:7 53:22 updated 54:19 55:3 63:20 64:23 73:19 use 26:21 33:11 37:19,20 41:15 49:22 71:14 91:5 used 69:1 82:6 82:7 84:11 89:13 useful 71:4 user 6:19 using 91:21 usually 98:2 utah 1:1 2:8,13 8:12 11:25 13:8,8 100:3,4 100:7,23 utahn 83:25 utilities 6:10 12:11 utility 10:4,8 11:15 12:2,17 13:5,14,20 32:4 39:1</p>	<p style="text-align: center;">v</p> <p>valid 91:11 various 16:10 verify 32:21 versus 22:19 29:15 40:25 93:23 vicinity 60:2 view 76:17 90:13 views 36:1 village 2:4 3:10 3:19 7:3 14:1 15:6,11,16 16:1,14,16 17:18 18:4,5 18:14 25:17 37:19,20 39:9 41:24 42:12,24 42:24 68:4 70:9 95:13 96:3 97:12 village's 11:19 24:24 29:25 41:23,24 43:8 villages 9:3 25:24 37:18 79:12 visual 80:11 visually 32:23 37:14 44:13</p> <p style="text-align: center;">w</p> <p>wagon 83:24 84:4,6,8,11</p>
<p style="text-align: center;">u</p>			
<p>uh 87:12 ultimately 14:24 42:17,20 83:1 97:16 uncertain 28:3</p>			

[wait - yeah]

<p>wait 32:15 73:9 walk 48:18 want 4:1,1,5,17 6:9,24 7:9 11:2 11:17 19:16 21:9 22:7 28:4 29:18 31:3 33:17 34:10 37:20 39:5 40:20 41:15,18 42:1 44:9 45:8 50:25 55:11 56:7 59:10 64:22 65:21,25 66:16 67:3,3 69:13 70:6,13 70:17 74:10,11 74:12,13 76:2 76:5,9 77:12 80:9,10 83:22 84:21 85:18,22 86:4 91:4 94:2 95:19 96:8 wanted 13:17 34:6 44:9 49:5 52:1 56:3 68:22 72:24 wants 77:5 water 1:3 2:4 2:11,12 3:6,9 3:18,22 4:23 7:2 8:11,25 9:3 10:3,4,7,12,15 12:23 14:22,22 17:16 18:1,3</p>	<p>19:6 20:2,6,14 20:19,22 21:5 21:6,18 22:12 25:2 26:10,12 26:16 27:10,11 27:15,21 28:4 29:9 30:4,4,9 30:10,19,22 35:9,14,21 36:2,10,15 38:4 39:1,5,5 39:11 40:8,10 40:10,17 42:5 43:1,2,19 44:1 46:11,18 47:1 47:9 48:5 49:11,23 50:1 50:4 51:21,24 51:25 53:7,18 56:1,19,20 57:6 58:12 60:1,1,6,10 61:7 62:20,22 62:24 63:1 64:14,15 66:20 68:3,18,25 69:4,6 89:10 89:10,24 90:11 90:18,20,22 91:3,5,10,13,14 91:16,24 92:9 92:20,21 94:7 96:14,17,19 water's 20:21 35:11</p>	<p>waterlines 38:24 way 18:8 20:13 23:1 32:23 36:20 42:6 51:16,16 55:1 59:10,16,23 61:15 66:14 73:24 75:13,21 75:25 90:12 93:17 we've 38:3 40:2 57:21 59:10 60:12 67:15 77:11 82:8 88:1,19 93:12 93:25 95:2 96:5 97:7,7 99:4 webex 1:10 3:11 9:6 welcome 4:19 19:23 47:15 48:23,24 49:4 49:8 wells 14:10 46:20,20 56:23 96:21 went 35:10 whatnot 96:9 wheel 83:24 84:4,6,8,11 willing 65:11 65:14</p>	<p>wish 58:14 wonder 79:2 wondered 83:6 84:2 wonderful 3:13 17:10 wondering 78:24 word 70:23 98:16 99:10 words 14:11 26:23 27:8 49:14 work 23:11 92:11 97:18 worked 65:24 working 46:21 77:13 works 6:8 worry 64:10 88:13 write 75:3 written 23:25 75:25 wrong 57:15 69:23</p>
y			
<p>y'all 5:9 yeah 9:12 19:3 22:5,9,21 23:20 27:22 30:22 35:16 38:3 45:18 47:11 53:8 56:4 60:4,20</p>			

[yeah - yellow]

62:3 72:13,23

73:4,8 75:4

79:17 82:6,16

84:14,14 87:17

87:19

year 72:4 92:14

years 42:23

71:22 83:10

92:3

yellow 17:20

18:5,22 39:17

40:3,10 43:18

46:5 95:8

Utah Rules of Civil Procedure
Part V. Depositions and Discovery

Rule 30

(E) Submission to Witness; Changes; Signing.

Within 28 days after being notified by the officer that the transcript or recording is available, a witness may sign a statement of changes to the form or substance of the transcript or recording and the reasons for the changes. The officer shall append any changes timely made by the witness.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored

in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.