BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

BOARD MEETING
JUNE 11, 2021

TRANSCRIPT OF PROCEEDINGS (VIA ZOOM)

June 11, 2021
9:00 a.m.

BEFORE CHAIRMAN STEVEN RUFFATO,
BOARD MEMBERS DAVID SIMPSON,
JOSEPH SMITH, JULIA ALTEMUS
and DAVID LEHNHERR

PREPARED BY: LAURIE CRUTCHER, RPR
COURT REPORTER, NOTARY PUBLIC
lauriecrutcher@gmail.com
WHEREUPON, the following proceedings were
had and testimony taken, to-wit:

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CHAIR RUFFATO: Good morning, everyone.
Can you hear me? Before we get started, I want to
explain a couple things. I'm in a strange
circumstance. I'm in Richland County for a
funeral. We had a severe storm last night, and
there's a power outage, and so I'm sitting on a
hill with a hot spot with my phone in a pickup,
and so I have probably some questionable service
and internet connection.

So after we get going, I'm going to ask
one of the Board members to volunteer to chair
this meeting if I get cut off, or lose service, or
that sort of thing. I also have to leave for this
funeral at 10:20. I expect the meeting will be
over by then, but I'm not sure of that, and so
that volunteer would hopefully continue on with
the meeting if we have a quorum at that point.

So with that explanation, I will call
the meeting to order, and ask Regan to call roll.

MS. SIDNER: Thank you, Chairman. I
have Board member Chair Ruffato.

CHAIR RUFFATO: Here.
MS. SIDNER:  Board member Lehnherr.

BOARD MEMBER LEHNHERR:  Here.

MS. SIDNER:  Board member Simpson.

BOARD MEMBER SIMPSON:  Here.

MS. SIDNER:  Board member Smith.

BOARD MEMBER SMITH:  Here.

MS. SIDNER:  Board member Reiten.

(No response)

MS. SIDNER:  I believe he was not able to join us.  Board member Reiten.

(No response)

MS. SIDNER:  Board member Altemus.

BOARD MEMBER ALTEMUS:  Here.

MS. SIDNER:  And Board member Hanson.

(No response)

MS. SIDNER:  Board member Hanson.

(No response)

MS. SIDNER:  I believe she was also unable to join us today.  We do have a quorum.

CHAIR RUFFATO:  Thank you, Regan.  Can we get introduction of the other folks on the call, on the meeting.

MS. SIDNER:  Yes, I will.  Would you like me to start with --

CHAIR RUFFATO:  With the DEQ folks, and
maybe Mr. Mathieus could introduce them.

MS. SIDNER: I think he wanted me to do
that.

CHAIR RUFFATO: Okay.

MS. SIDNER: Bear with me. I think I
have everyone from DEQ. I have Angie Colamaria;
Sarah Christopherson; Chris Cronin; Emily Lodman
(phonetic); George Mathieus; Aaron -- is that
Aaron Pettis?

MR. PETTIS: Yes, it is.

MS. SIDNER: Kirsten Bowers; Joanna
McLaughlin. I believe that's everyone. Did I
miss anybody from DEQ on the call?

CHAIR RUFFATO: Thank you, Regan. Now
if you could identify -- Well, I see Katherine Orr
is on, our attorney.

MS. ORR: Good morning.

MS. SIDNER: Martin VanOort is on the
call from DEQ. And we have Laurie Crutcher, our
Court Reporter; Catherine Laughner; J. C. Martin;
S. R. Yemington. I've got a couple of initials
here. Vicki Marquis; Caitlin Buzzas; Andrew
Cziok; Julia Giffin. Did I miss anybody?

CHAIR RUFFATO: Thank you, Regan.

Anybody that hasn't been identified who is on the
call, or the phone, or on the Zoom meeting?

(No response)

CHAIR RUFFATO: At that point then we will move to the minutes of the last meeting held on April 23rd. I'm assuming that all of the Board members have reviewed those minutes, and I would entertain a motion to approve those minutes.

BOARD MEMBER SIMPSON: So moved. This is Dave.

BOARD MEMBER SMITH: I'll second.

CHAIR RUFFATO: A motion has been made and seconded to approve the minutes of the April 23rd. All in favor, say aye.

(Response)

CHAIR RUFFATO: Those opposed.

(No response)

CHAIR RUFFATO: The motion carries unanimously.

It's got a note for public comment, and I will ask if there's any public comment regarding the minutes.

(No response)

CHAIR RUFFATO: Hearing none, let's go to the briefing items. And rather than handle this the way we did last meeting, because I'm
hopeful this meeting is short, the way I'd like to approach this is to instead of going case-by-case, I'm going to ask the Hearing Examiners who are on the phone to tell us whether or not any of their cases have any changes from the briefing that appears on the agenda. And I think Katherine was also going to check on that. So are there any updates to any of the cases?

(No response)

CHAIR RUFFATO: Hearing none, then I'm going to ask the Board members if there's anybody that has questions about any of the cases on briefing matters.

MS. ORR: Mr. Chairman, may I interrupt?

CHAIR RUFFATO: Yes.

MS. ORR: I just realized I was muted. There are two updates, and I've canvassed all of the attorneys, and I'd be glad to go into those if that's appropriate at this time.

CHAIR RUFFATO: Please do, Katherine.

Thank you.

MS. ORR: In the matter of the notice of appeal by Duane Murray regarding the notice of violations and administrative compliance and penalty order, on May 28th, DEQ moved to amend the
current scheduling order and reopen discovery.

On June 1st, William Holahan, Bill Holahan, a new attorney in the office, assumed jurisdiction. On June 4th, he granted DEQ's motion, and issued an amended scheduling order, and the parties have until August 3rd to complete discovery, and until August 30th, 2021 to file dispositive motions. If there are no dispositive motions, the parties have until September 13th, 2021 in which to file proposed hearing dates. So that's that case.

And the only other one was one handled by Mr. Doud. That's a case in the matter of the notice of appeal and request for hearing by Western Energy Company regarding the approval of surface mining permit No. C2011003F BER 2019-05-0C.

Mr. Doud conducted a hearing starting on June 2nd in that matter. He had a three day hearing, and two more days have been allocated to complete the hearing. It was continued to June 21st through 22nd, 2021. And that's all.

CHAIR RUFFATO: Thank you, Katherine.

MS. ORR: There are no other deviations from the agenda.
CHAIR RUFFATO: Thank you. Then I will ask again the Board members, if you have any questions about any of the briefing matters.

(No response)

CHAIR RUFFATO: I actually have a couple of questions, and I don't know if they can be answered. But this is Item (h) at the bottom of Page 4, and it's a notice of appeal by Signal Peak regarding water rights impairment, and I think Mr. Cziok is on the phone, so maybe he can answer the question.

But I didn't understand the last sentence of that briefing. It says, "On May 27th, Hearing Examiner Cziok issued an order dismissing this case with prejudice," and then it says, "Pending the District Court's final disposition of SPE District Court appeal and final resolution of any appeals from the District Court's final disposition."

Mr. Cziok, can you elaborate on that a little bit. It may be obvious, but can you tell me what's going on.

MR. CZIOK: It looks like a typo. That was without prejudice, which might be the confusion. With prejudice would make it hard for
anything else to really happen after that.

CHAIR RUFFATO: That's what I was worried about. I didn't understand. Okay.

MR. CZIOK: I had a rough week. I just got back in. This is my first time seeing this paragraph.

CHAIR RUFFATO: Thank you, Andrew. That does explain, so thank you.

MR. CZIOK: Certainly.

CHAIR RUFFATO: The other question I had is in the very next item, this is (i) on Page 5, it talks about the Board order for final agency decision resolving issues one, three, four, and five. And I didn't go back and study things, and so the answer is probably there, but I'm wondering. Is this case still going for issue two?

MS. ORR: Mr. Chairman, members of the Board, I think that this is a DEQ matter, so if there's someone from DEQ who can address your question, that would be great.

MS. COLAMARIA: Mr. Chair, this is Angie Colamaria. The lead attorney for this couldn't be on the call today, but I can try to answer your question.
This case is still ongoing for the remaining matters, and the parties have tentatively agreed on a settlement for that, and will be submitting -- and Vicki, correct me if I'm wrong. I don't know if you've actually submitted them yet, or are about to submit it -- a stipulation to the Board.

CHAIR RUFFATO: A stipulation regarding the one remaining issue?

MS. COLAMARIA: Yes. So the stipulation would be the document itself, proposed Board order, that basically says everything that's in the stipulation between the parties and the exhibits. So you can see the difference between the permit, how it was, and what we are proposing to amend it to.

CHAIR RUFFATO: So thank you, Ms. Colamaria. So I understand it, the parties have reached an agreement on all issues?

MS. COLAMARIA: Yes.

CHAIR RUFFATO: Okay. Thank you.

(Ms. Clerget present)

CHAIR RUFFATO: That's all of the questions I had. Any other questions by Board members?
There are no action items. There is one new contested case. I'll refer to it as the Lucy's sandbox gravel pit case. And we have to make a decision at some point whether or not we're going to assign this to a Hearing Examiner.

And my first point is the information that we got in the packet I felt did not give us very much information. And as we've discussed in previous meetings, the decision to refer this or assign it to a Hearing Examiner was a pretty important decision. So I felt that at least in my mind I did not have enough information.

And I see that Sarah has her hand up. Can you explain what's going on here?

MS. CLERGET: Yes, Chair Ruffato. This is Sarah Clerget, and I represent DEQ in this matter. And I wanted to let you know that I have contacted opposing Counsel. Your Board secretary reached out last night to try and get the additional information.

I got her email, and I tried to reach out to -- I shouldn't say opposing Counsel. He doesn't have a lawyer yet -- the opposing party,
and I haven't had any response yet, nor I believe has the Board secretary.

And I was uncomfortable supplementing the record without -- because right now what's filed is what's in front of you. So there isn't anything else filed in the case. And it was the appellant's filing, and therefore they would have had to amend their filing in the case in order to provide that to you, and so that's the reason why it's not provided.

And I wasn't comfortable doing that without them amending, and I also -- unfortunately, as you guys know, one of the things that's hard about being a member of the Board is that you only get to see what's put in front of you, and that unfortunately was all that was put in front of you in this case.

And I have a request in terms of keeping it in front of the Board, but I don't know if this is the time. I just wanted to answer your question first, but I have more to ask when it comes time to decide.

CHAIR RUFFATO: Thank you, Sarah. I want to ask the Board members if you had any comments or thoughts. And I'm not asking for a
motion yet because I've got a thought in my mind that I want to pursue. Well, maybe I will put a motion on the table, and then we can discuss it.

I would move that we table this until we have more information, and that's my motion.

BOARD MEMBER SIMPSON: Second.

CHAIR RUFFATO: A motion has been made and seconded that we table this matter until there is further information. Discussion, please.

MS. CLERGET: Chair Ruffato, I would ask that this matter be kept with the Board, rather than tabled, but be kept with the Board for the purpose of the Board hearing the entire matter. You could designate it to a Hearing Examiner for procedural purposes, but keep the jurisdiction for the purpose of deciding any substantive motions. So that would be motions for summary judgment, motions in limine, all the motions to dismiss, all things like that.

And the reason I ask you for that is because this is a relatively small case. It will be relatively low impact for you guys in terms of time. And I think it would be a very good case for you guys to test essentially, and see what it is that Hearing Examiners do, what motions come
in, when they come in, how the process works.

   So I think that would be really useful
for you guys, and this is a great test case; and I
also think that there's a high likelihood that we
could potentially settle this case early, or that
there may be a default. And so if that happens I
prefer it to come directly back to you. It may
save some time and energy on everybody's part,
including a potential hearing examiner.

   So that was one reason why I wanted to
ask you to keep it for substantive purposes, and
in saying that, I don't mean to obviously
disparage anybody from ALS or the ability of any
of the Hearing Examiners. I just think this
particular case might be a good one for you guys
to keep.

   CHAIR RUFFATO: Thank you, Sarah. Board
members, any discussion?

   BOARD MEMBER SMITH: I appreciate
Sarah's comments, and I don't necessarily disagree
that it might be a good opportunity for us to hear
the case, but I also am in support of the motion
to table it for now until we know what the
particular issues are in this case.

   CHAIR RUFFATO: Any other discussion?
BOARD MEMBER ALTEMUS: I would agree. I just don't feel like I have enough information, so I think if you table it at this time, you can always go back and do something else. I would agree with the motion to table. I don't believe I have enough information, so I think at this point that would be my preference. Thank you.

CHAIR RUFFATO: Dr. Lehnherr.

BOARD MEMBER LEHNHERR: Thank you. I would be in favor of taking Sarah's advice. We won't be meeting again for a couple of months. It sounds like a case that could be a good learning experience for the Board, and it sounds like it could be resolved fairly quickly.

Just in general there's -- and if we assigned the case to a Hearing Examiner for procedural matters, we would find out everything, I believe, that people are wondering about. And just in general, I think we would want to be very careful about cases we handle in their entirety, and that should be reserved for very rare circumstances.

But I think Sarah gave us some great advice there. That's the end of my comment.

Thank you.
CHAIR RUFFATO: Thank you, Doctor.

Katherine, can you give us a thumbnail sketch of what an assignment for procedural purposes would look like on this matter.

MS. ORR: Mr. Chairman, members of the Board. That could be everything up to and including a motion for summary judgment, so the prehearing matters; setting discovery; setting the timelines for introduction of exhibits, and the timeline for discussion of the witnesses; and then exchange of the exhibit list and of the witnesses; objections to the admissibility of the exhibits; motions in limine. I would think you would want to rule on the motion for summary judgment and anything more substantive after that.

CHAIR RUFFATO: Thank you. Sarah.

MS. CLERGET: I apologize, Chair Ruffato, if this is not the appropriate place. My ask I guess for DEQ would be for you guys to decide on anything substantive, and I would put motions in limine and evidentiary rulings in that category, just because in the past those have turned out to be really rather dispositive of the case.

And so if you're contemplating keeping
it, I'd just ask that in your designation to the Hearing Examiner that you potentially lay out what exactly the Hearing Examiner is substantively, versus procedurally, allowed to decide.

And my ask from DEQ as the DEQ lawyer is that it include motions to dismiss be heard by you, which would include, for example, a default judgment coming in front of you; motions in limine; motions for summary judgment; and then any briefings that might arise that would require a substantive decision in the interim.

Sometimes those are outside of that list -- rarely, but sometimes -- and so I would just ask that if you designate it that you're keeping it for substantive purposes, that that would be the designated list. That's DEQ's ask.

CHAIR RUFFATO: Thank you, Sarah. I'd like to hear some thoughts from Julia, and Dave Simpson, and Joe, regarding the motion that's on the table, and I would be prepared to withdraw my motion if the thought is that we should follow the suggestion by DEQ.

BOARD MEMBER SIMPSON: This is Dave, Mr. Chairman. One of the things that I've been looking at are the rules that govern procedure in
the Administrative Procedure Act, and there is a provision for informal hearing, which this Department appears to ignore 100 percent of the time.

This looks like a relatively uncomplicated case. My reason for supporting tabling the motion is to consider that possibility at the next meeting when we have more time.

CHAIR RUFFATO: Thank you, David. I'm going to call for the question on the motion to table, and I'm going to view that as not necessarily rejecting the DEQ's suggestion, but tabling it; and I'm also going to assume that between now and the next meeting, if there is a possibility of getting a resolution, if it's possible that that might happen during that time, if -- I assume the parties can get together at any time and reach an agreement.

So I'm going to call for the question on the motion to table. So all in favor say aye.

(Response)

BOARD MEMBER LEHNHERR: Point of order, Mr. Chairman.

CHAIR RUFFATO: Go ahead.

BOARD MEMBER LEHNHERR: I believe we
I have to vote on the -- when you call the question, and then we can move to a vote on the motion.

CHAIR RUFFATO: All right. David, do you believe that we need a motion to end discussion?

BOARD MEMBER LEHNHERR: Mr. Chairman, you're referring to me?

CHAIR RUFFATO: I'm following up on your point of order. So what is your --

BOARD MEMBER LEHNHERR: We don't need a motion to vote on the question, but we have to vote on the question, just to make sure everyone wants to end discussion. It's a minor point, but an important one in some cases.

CHAIR RUFFATO: Okay. Point taken. All in favor of ending discussion, say aye.

(Response)

CHAIR RUFFATO: Opposed.

(No response)

CHAIR RUFFATO: Then I will call the question. All in favor of the motion, say aye.

(Response)

CHAIR RUFFATO: Opposed.

BOARD MEMBER LEHNHERR: Aye.
CHAIR RUFFATO: The motion carries four to one, and so the matter is tabled until next meeting.

And just as a point that I think I would like to make to DEQ. When these matters come up, I am going to always ask for enough information to make these decisions. So if it's possible for DEQ to work with the outside party to get that information in front of the Board, I would ask you to do that in advance of the meeting, so we avoid delays. Thank you. Sarah.

MS. CLERGET: Chair Ruffato, just a point of clarification, so I understand going forward. Since the matter has been tabled, the matter of assigning it to a Hearing Examiner has been tabled, that means that the Board maintains jurisdiction in the intervening time.

If DEQ, for example, needs a ruling on a motion in the next two months before the next Board meeting, I want to be clear that we are submitting that motion to the Board.

CHAIR RUFFATO: Yes, that would be appropriate.

MS. CLERGET: Thank you.

CHAIR RUFFATO: All right. Then I think
we have the Board update is the next item.

Katherine, did you have some matters you were
going to explain to us regarding rulemaking and
anything else?

    MS. ORR: Yes, there was some question
about what's remaining as far as the Board's
rulemaking authority. And I've reviewed the final
version of Senate Bill 233, as well as the
statutory and regulatory authority that the Board
has.

    And just very briefly under 2-4-201 in
MAPA, each agency is required to adopt as a rule a
description in the organization stating the
general course and method of its operations and
methods whereby the parties may obtain information
or make submissions or requests, and also adopt
Rules of Practice.

    And also in 2-3-103, in the public
participation statute, it indicates in Subsection
(2) that the Governor shall ensure that each
board, etc., adopts coordinated rules for its
programs, and the guidelines must provide policies
and procedures to facilitate public participation
in those programs. The guidelines must be adopted
as rules, and published in a manner so that the
rules may be provided to a member of the public upon request.

Those directives in the statute are also repeated in the Attorney General's Model Rules ARM 1.3.201, and I would say that's the basis for the authority. And the word "board" in 17.4.101 has adopted portions of the Attorney General's Model Rules, as well as the Secretary of State's organizational and procedural rules; and the Department itself has described the Board of Environmental Review in ARM 17.1.101. But I would say that there's a lot that needs to be filled in by the Board as far as its self-description and operating procedures.

Other than that, regarding the substantive statutes which fall under the authority of the Department, the Board no longer has authority to make rules.

CHAIR RUFFATO: Thank you, Katherine. So what my understanding is our authority to make rules regarding our procedures and processes has not been removed, and so that is still available.

MS. ORR: Yes. And to the extent that that has been done, I would call it spotty.

CHAIR RUFFATO: Thank you. David
Simpson, you had raised a point a little while ago about the informal process, and I was wondering if you had some thoughts that we might even start to think about regarding rules that might be generated to implement that.

BOARD MEMBER SIMPSON: Mr. Chairman, I haven't put together any detailed proposals/suggestions at this point, but I have taken a look at the Model Rules, and I guess what is being discussed dovetails pretty well with what I've had in mind, and that is I do think that the Board should consider developing and adopting rules for processes to be used by the Board for these contested cases.

One of my great frustrations is that as soon as there is an appeal, it seems to automatically roll over into contested case, which frankly in my opinion doesn't serve the public very well, because things take so long. It's heavily weighted toward process with virtually no attention to product.

And so if there's a more efficient way to approach violation appeals, and items of that nature, it's something that I think we should look into and proceed with considering some more
detailed rules.

But beyond that, I guess I would volunteer that by the next meeting should have something a little bit more detailed as to what direction it might go.

CHAIR RUFFATO: Thank you, Dave. Mr. Mathieus.

MR. MATHIEUS: Thank you, Mr. Chair. I would just ask the Board, as you're discussing and planning actions and items that you are going to pursue, that you work with me. It's basically a budgetary issue. We have a very tight budget. Frankly the Board has been over-running that budget for the last couple of years, and I can't react. I have to be able to plan in order to react to budget.

So I just would throw that out to you guys, and work with me, as we plan things, to figure out what it's going to cost to do it, and I can budget appropriately. So I'm just trying to be responsible, so I appreciate your attention in that.

CHAIR RUFFATO: I very much appreciate your comments and your concerns, and we will work with you, and that would be appropriate, and what
I think would be the right thing to do. So I agree.

MR. MATHIEUS: Thank you, Mr. Chairman.

CHAIR RUFFATO: Any other comments, questions, suggestions regarding the matter that Katherine has raised and that Dave has mentioned? Joe.

BOARD MEMBER SMITH: I just have a quick question for Mr. Mathieus again. What are -- as far as a little clarification on the budget issues, what the biggest things that are over-running the budget? I assume it's just time for Hearing Examiners?

MR. MATHIEUS: Mr. Chair, Mr. Smith. That's correct. I mean some of the product of increased budget has just been the increased cases over the years, and as it's hard to get predictability there. I understand that. But there are some things, like the topic we're discussing right now, that I think can give me some predictability.

CHAIR RUFFATO: Joe, did that answer your question?

BOARD MEMBER SMITH: It did. And just a follow up thought. I think some of Mr. Simpson's
thoughts would actually potentially alleviate some
of those issues as well by hopefully making cases
proceed maybe a little more bit more efficiently
in some cases.

CHAIR RUFFATO: Thank you. Ms. Marquis.

MS. MARQUIS: Good morning. Thank you, Mr. Chairman, members of the Board. I was going to address this in the public comment period that follows, but this seems to be on topic. I'm not sure if you're accepting public comment, if this is appropriate timing or not.

But I just want to offer that at least a year and a half ago, former Hearing Examiner Clerget convened a round table of most of the attorneys that routinely practice in front of the Board, and out of that round table there were a number of good suggestions that were broadly supported, and one of those was, or a couple of those had to do with some procedural changes that might be helpful for everyone involved, including the Board, the attorneys who practice in front of the Board.

And one of those that had a lot of substance and a lot of support was the need to have the Board's previous decisions accessible to
the public in some sort of electronic or digitized fashion, preferably searchable, if that's possible.

I don't know where those discussions ever went, but I just offer that up because that process, I don't know where it ended or where it went, or if there's any record or notes of it, but there were some ideas that came out of that process that had broad support from all of the parties.

And I'm just speaking on my own behalf. I'm not representing any of my clients right now. I forgot to interject that earlier. But I just want to be clear on that.

So there were some ideas that came out of that round table that might be helpful, and they're sort of on this topic about the procedures and process. Thank you.

CHAIR RUFFATO: Thank you. I want to say thank you for those comments, Ms. Marquis. They were appropriate, even though it was during this time.

Katherine, do you have anything more on the update, the Board Counsel's update, that you would like to talk about?
MS. ORR: Just very briefly, Mr. Chairman, members of the Board. We've had a member of Agency Legal Services depart our Bureau, Lindsey Simon, and therefore there has been a substitution of Counsel for her cases that she had. There are three of them. Two of them were assigned to Mr. Doud, and one was assigned to a new member of our office, Mr. William Holahan, and just wanted to let you know about that. If you would like any more information in that regard, I'd be glad to be more specific even.

CHAIR RUFFATO: Any questions or comments from the Board on the Hearing Examiner assignment matter?

(No response)

CHAIR RUFFATO: Hearing none, I will move on. Again, Katherine, I take it that was your last update?

MS. ORR: Yes, Mr. Chairman.

CHAIR RUFFATO: Does anybody on the Board have any questions or comments that we haven't talked about that they would like to address to the Board Counsel?

(No response)
CHAIR RUFFATO: Then I would like to move to the general public comment section of the meeting, portion of the meeting, and ask for any general public comment.

(No response)

CHAIR RUFFATO: Hearing none, I guess I think we can conclude the meeting. Do we have a motion for adjournment?

BOARD MEMBER ALTEMUS: So moved.

BOARD MEMBER LEHNHERR: Second.

CHAIR RUFFATO: Motion by Julia, and the second by Dr. Lehnherr. A motion has been made and seconded to adjourn the meeting. All in favor, say aye.

(Response)

CHAIR RUFFATO: Opposed.

(No response)

CHAIR RUFFATO: The meeting is adjourned. Thank you all.

(The proceedings were concluded at 9:45 a.m.)

* * * * *
CERTIFICATE

STATE OF MONTANA )
                  :
                  SS.
COUNTY OF LEWIS & CLARK )

I, LAURIE CRUTCHER, RPR, Court Reporter, Notary Public in and for the County of Lewis & Clark, State of Montana, do hereby certify:

That the proceedings were taken before me at the time and place herein named; that the proceedings were reported by me in shorthand and transcribed using computer-aided transcription, and that the foregoing - 29 - pages contain a true record of the proceedings to the best of my ability.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of June, 2021.

______________________________
LAURIE CRUTCHER, RPR
Court Reporter - Notary Public
My commission expires
March 9, 2024.
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