LOCAL PUBLIC HEARING 1/23/2019

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1	STATE OF MISSOURI
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	PUBLIC SERVICE COMMISSION
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4	TRANSCRIPT OF PROCEEDINGS
5	Local Public Hearing
6	January 23, 2019 Joplin, Missouri
7	Volume 1
8	
9	In The Matter Of The Application Of The) Empire District Electric Company For A)File No. EA-2019-0010 Certificate Of Convenience And Necessity)File No. EA-2019-0118
10	Related To Its Customer Savings Plan)
11	
12	NANCY DIPPELL Presiding SENIOR REGULATORY LAW JUDGE
13	
14	SCOTT T. RUPP, COMMISSIONER
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1	PROCEEDINGS
2	JUDGE DIPPELL: Ready to go ahead and go on the
3	record. Good evening. Missouri Public Service Commission has
4	set this time for a local public hearing in File Number
5	EA-2019-0010 which is a case involving two applications for
6	wind farm certificates by the Empire District Electric Company.
7	My name is Nancy Dippell, I'm the Regulatory Law Judge assigned
8	to hear this matter and to preside over this hearing this
9	evening and I have with me tonight Commissioner Rupp. We will
10	the procedure that we're going to do at this point we
11	have had the question and answer question, that's the informal
12	part. This is the more formal part, so we will be taking
13	comments on the record. The court reporter will take them down
14	and I will ask you to solemnly swear or affirm that you are
15	telling the truth. I will also ask you to spell your name for
16	the court reporter so that that's in the record accurately.
17	And I'll go down the list from the sign-up that was on the back
18	sheet, and then when we get to the end of that, if there are
19	other people that would like to speak, we can do that. I will
20	ask you we've got quite a crowd. We don't have that many
21	signed up but sometimes comments can get long, so I'll ask you
22	to be respectful of everyone's time tonight and make your
23	comments and if you just want to get up and say that you agree
24	with someone that spoke before you, that's fine as well. This
25	is your opportunity to make comments to the commission about

the proposals. Either I or the commissioner may have some 1 2 clarifying questions for you, but we're not here to answer 3 questions ourselves. The testimony given tonight will be taken down as I said and will become part of the official record. 4 I'm going to go ahead and ask the commissioner if he would like 5 6 to make a few remarks. 7 COMMISSIONER RUPP: Good evening. Thank you all for coming out, especially in the cold weather for something very 8 9 important. Just wanted to reiterate the role that I am here. I'm one of five commissioners. All the other commissioners 10 will have an opportunity to read all of your transcripts. 11 12 That's why we have a court reporter, so everything you do say 13 will be seen by all five of us. I am not allowed to answer any questions. I am considered a judge, so you can't go up to a 14 15 judge in the middle of a courtroom and ask them questions about a court case, so therefore if you pose me any questions, I just 16 have to smile and keep my mouth shut. It's not meant to be 17 rude or disrespectful. It's just I cannot speak about this 18 19 case, because we're in the part where we are gathering all the information and listening to all the evidence, so if you do 20 21 come up and speak, you are offering evidence into a case of what you believe should happen. And so we go back to Jeff 22 23 City, we have a whole hearing. There's witnesses, there's attorneys, there's cross-examination, there's evidence and 24 25 everything, so we're at the very beginning of that. But I just

- 1 wanted to make sure everyone understood that because sometimes
- 2 you pose a question to the commissioner, I just cannot respond.
- 3 So I may ask you a question if I don't understand something
- 4 that you are asking and that is just for us to better
- 5 understand your position and your thoughts. But this is great
- 6 to see a crowd. It really helps us get a better understanding
- 7 of what the community feels like when people actually show up
- 8 to local public hearings. I have been to numerous of these
- 9 where no one shows up and no one says anything, so I am
- 10 encouraged by the crowd, especially those of you that have
- 11 signed up, and we do take your considerations and your comments
- 12 into consideration. It does become part of the record. A lot
- 13 of times sometimes attorneys may even reference at the local
- 14 public hearing this was said by the community or that was said
- 15 by the community, so it is important that if you feel compelled
- 16 to go ahead and offer us your opinions. But thank you very
- 17 much and look forward to hearing what you have to say.
- 18 JUDGE DIPPELL: Okay. I'm going to begin by letting
- 19 the attorneys make their official entries of appearance and I
- 20 begin with Empire.
- 21 MS. CARTER: Diana Carter with Brydon, Swearengen and
- 22 England for the Empire District Electric Company and I have
- 23 provided the court reporter with my additional contact
- 24 information.
- 25 JUDGE DIPPELL: Commission of staff?

MS. PAYNE: Whitney Payne on behalf of the staff of 1 2 Missouri Public Service Commission. 3 JUDGE DIPPELL: Office of public counsel? 4 MR. WILLIAMS: Nathan Williams appearing on behalf of the office of public counsel and the public. I have provided 6 my information to the court reporter as well. 7 JUDGE DIPPELL: And did I have any intervening 8 attornevs? 9 MS. FRAZIER: Jennifer Frazier with the Department of Conservation and I will provide my information to the court 10 11 reporter at the end of the hearing. 12 JUDGE DIPPELL: Thank you. Well, with that, then we can go ahead and begin with our first witness. I will 13 apologize in advance, I'm horrible with names, so when I 14 15 mispronounce it, I apologize. Brian Cooper? 16 MR. COOVER: Good evening. I didn't expect to be 17 first. 18 JUDGE DIPPELL: Could you raise your right hand? MR. COOVER: Yes. 19 (Witness duly sworn by Judge Dippell.) 20 21 JUDGE DIPPELL: All right. If you could spell your name for the court reporter? 22 23 MR. COOVER: My name is Bryan, B R Y A N, Coover, 24 C O O, V like Victor, E R. 25 JUDGE DIPPELL: Go ahead.

- 1 MR. COOVER: Before I start, I do have a couple of
- 2 questions posed in here. I don't expect an answer. I just
- 3 hope that the commission has the answer before they make a
- 4 decision.
- 5 My name is Bryan Coover. I'm a Neosho County, Kansas
- 6 resident living in the proposed footprint of the Neosho Ridge
- 7 industrial and generator complex. I'm also a board on the
- 8 local rural electric cooperative Twin Valley and I serve on the
- 9 Board of Trustees for the Kansas electric power cooperatives
- 10 based in Topeka.
- JUDGE DIPPELL: Mr. Coover, I'm sorry. Apparently
- 12 can't hear you in the back.
- MR. COOVER: Am I not close enough? Can you hear me?
- 14 You have to get really close. Okay. You want me to start
- 15 over?
- JUDGE DIPPELL: Thank you. Just continue where you
- 17 were.
- 18 MR. COOVER: Okay. I am opposed to the Neosho Ridge
- 19 wind project and believe it is bad fit for Empire Electric.
- 20 Most wind farms in operation in the Midwest are in sparsely
- 21 populated high wind areas. For instance, the Beaumont, Kansas
- 22 wind farm has only three homes in its footprint. The
- 23 Spearville wind farm has less than 20 homes among the turbines.
- 24 The proposed Neosho complex has 311 homes among the turbines
- 25 and including the homes in the small towns nearby, 507 total

homes, and almost another 100 in the two-mile circumference or 1 2 area around bordering it. If completed, Neosho Ridge will have more homes impacted by wind turbine noise and safety radius 3 overlap than all other wind farms in Kansas combined. Further, 4 the proposed turbines will be over 100 feet taller with longer 5 blades than any other operating in the state today. At 670 6 7 feet and 120 meter blade span to compensate for relatively pour wind conditions, they will also be the loudest operating in the 8 9 Midwest. Significant research shows that the impact of long-term high sound and infrasound -- significant research 10 shows the impact of long-term high sound and infrasound on 11 12 human health. This problem was well known and well documented long before wind turbines. Even industry publications openly 13 discuss the issue. The problem has received little regulatory 14 15 oversight because it has affected relatively few people. will change here. The developer Apex has proposed a thousand 16 foot property line and 1,640 foot to home setbacks for sound 17 18 and safety. This is grossly inadequate. Peak sound levels will exceed world health organization standards by more than 19 double. Blade failure analysis done by Engineering Institute 20 of Denmark and at our own Georgia Tech have both indicated that 21 failed blade parts can travel up to 12,000 feet. Both of these 22 23 studies have published in Wind Energy Magazine. Insurance, the world's leader of wind turbine insurers, says 24 25 that in 2017 there were 3,800 blade failures out of 341,000

operating turbines. The gentleman here said that those aren't 1 2 all blade throws but it's blade failures. That means that one 3 in 90 turbines has a blade failure every year on average over the life of the wind farm. At 130 turbines we can expect it to 4 be a regular occurrence, maybe twice per year. By comparison, 5 6 the weather channel quotes a 1986 study given the probability 7 of tornado in any given year at 6 hundredth's of one percent for an area 53 by 69 miles. That's one degree on longitude and 8 9 latitude. That means that the area of the Neosho Ridge footprint would have a tornado possibility of about 25 10 10 thousandth's of one percent per year. All that said, we all 11 12 have to support in a shelter. What I'm getting at is there's dramatically greater risk than a tornado, and we're concerned 13 about tornadoes. Joplin well knows. So, and studies indicate 14 that home and other values and other improvements near wind 15 turbine placements reduce property values by as much as 40 16 percent. The Neosho County appraiser reviewed and concurred 17 with these studies. The next owner of the Neosho Ridge can 18 expect to see a class action lawsuit to recover those losses. 19 Just as important there are other liabilities. Fire hazard, 20 communication disruption, rainfall pattern disruption and TV 21 reception disruption will result in undetermined costs. 22 23 commission costs will be the most substantial. Some estimates place per turbine decommission costs at 200 to \$250,000 per 24 25 turbine. Apex assumed salvage value will cover most of that,

- 1 but please consider that. These turbines contain no
- 2 significant amount of copper when you consider the costs to
- 3 separate it, but these estimates are based on full
- 4 decommissioning of the whole wind farm at one time. Much more
- 5 likely these turbines will fail a few at a time in the later
- 6 years of operation starting at 15 to 20 years. Can you remove
- 7 them one or two at a time? What would be the costs of
- 8 decommissioning Asbury if you had to do it a little at a time
- 9 over a 15-year period? Finally, what is the impact that the
- 10 technology is obsolete or the tax credit stopped in the next
- 11 few years? This industry depends on 60 percent of its income
- 12 to come from subsidy. If that disappears, will Empire find
- 13 itself with no tech or parts support in ten years? Please
- 14 protect your ratepayers. Let Empire contract for wind if --
- 15 for wind kilowatt hours if you want them to be green. Don't
- 16 saddle your ratepayers with this kind of liability. Thank you.
- 17 JUDGE DIPPELL: Thank you. Mr. Rupp, did you have
- 18 any questions?
- 19 COMMISSIONER RUPP: No. Thank you.
- 20 JUDGE DIPPELL: Thank you very much for your
- 21 comments. Dale Jeffrey.
- MR. JEFFREY: Stephen Dale Jeffrey. That's Stephen
- 23 with a P H, last name R E Y -- J E F F R E Y.
- 24 JUDGE DIPPELL: Thank you. Can you please raise your
- 25 right hand.

1	(Witness duly sworn by Judge Dippell.)
2	JUDGE DIPPELL: Thank you. Go ahead with your
3	comments.
4	MR. JEFFREY: Thank you for the opportunity to be
5	here this evening. There's going to be some redundancy here
6	because I too am concerned about the 311 rural houses in the
7	footprint of this proposed generation plant there in Neosho
8	County and the 311 houses, these are rural houses. These are
9	everything from farmers and ranchers to people like myself that
10	only has six acres. I'm a retired postal employee. There's a
11	lot of retired people out here in this urban rural area. There
12	is also an Amish community. I've been a driver for the Amish
13	in the community for over two years now and I can tell you that
14	in my research early on, the first time I went to a Neosho
15	County Commission meeting, I brought research with me from the
16	Netherlands, from Germany and Australia. They have been in
17	this business a lot longer than we have and that research
18	showed that mink farms went out of business when turbines
19	started to spin. The mink would not eat, they would not breed.
20	Emu farms went out of business because the emus just ran wild.
21	They were not capable of surviving the infrasound or the noise
22	from the turbines themselves or maybe it was the flicker that
23	was bothering them, but either way, that farm went out of
24	business. Goat farms went out of business. Chicken raising
25	ranches went out of business because the chickens were born

with no beaks and crossed legs. I mean, embryos weren't right 1 in the eggs. Things were causing problems that they didn't 2 3 have until the wind turbines started to spin. Let me tell you 4 that almost every Amish family raises rabbits. Some of these rabbit houses will be -- have a hundred sales in them. Every 5 6 two weeks, every other Tuesday, my group that I spend a lot of 7 time with providing transportation for sells rabbits. Stock trailer comes by, the gentleman buys their rabbits, takes them 8 9 to a market. Every two weeks they get a check. If these wind turbines go in and the infrasound affects the livelihood of the 10 Amish because these rabbits, similar to a mink, caged animals 11 12 cannot reproduce, they're going to lose part of their livelihood and they're trying to make a living on 40 acres out 13 there. But it's not just the concern about the rabbits. 14 also raise horses and I could find you documentation online 15 from various places where these turbines went in and the 16 infrasound affected horses. Horses either didn't breed or they 17 were bred and then they aborted. The Amish need their horses. 18 19 That's how they make their living. That's how they farm is with their horses. What about us as human beings? I live 20 21 within the footprint. The FFA citing map that I have seen puts three turbines in the section that I live in. I live on a rock 22 pile. I have two rock quarries within a mile of my house. The 23 City of Galesburg sits on solid rock. Infrasound gets into 24 that rock and travels, I mean, it's going to go everywhere. 25

It's going to keep people awake. It's going to keep people 1 from sleeping, resting, being functional at work. The health 2 hazards that I have looked up, what I have researched, what I 3 have found -- and the wind industry will dispute that with 4 their audit, their own professions, they will tell you that that's not true, but the evidence is out there. All we have to 6 7 do is look at the evidence and make a decision for ourselves. I'm not here tonight to corrupt your ability to make your 8 9 own informed decision. I'm just here asking you to look very hard at this because if wind generation industrial plant was 10 good for Neosho County, our commissioners would have signed off 11 12 on it last April, the first day I showed up and asked for moratorium. They're still sitting there holding their hands 13 waiting to find a way for this to be economically feasible for 14 15 them without hurting us as residents in the county. Please think about the residents in our county when you consider 16 allowing the Empire to purchase and operate industrial 17 18 generation plant in Neosho County. Thank you. 19 JUDGE DIPPELL: Excuse me just one, Mr. Jeffrey, before you leave. 20 21 MR. JEFFREY: Yes, Ma'am. JUDGE DIPPELL: Can I just ask you, are you saying 22 23 infrasound, I N F R A? 24 MR. JEFFREY: I believe that's correct. 25 JUDGE DIPPELL: Okay. I just wanted to make sure

1 that was clear. MR. JEFFREY: And I could be mistaken, but yes. 2 JUDGE DIPPELL: Okay. Thank you. George Mustard 3 4 (phonetic)? MR. MUSTARD: No cause. JUDGE DIPPELL: Todd Umbarger? Can you please spell 6 7 your name? 8 MR. UMBARGER: T O D D, U M B A R G E R. 9 JUDGE DIPPELL: Can you please raise your right hand. (Witness duly sworn by Judge Dippell.) 10 JUDGE DIPPELL: Thank you. Go ahead. 11 12 MR. UMBARGER: I live within the footprint of the 13 Neosho County wind ridge project and I've lived there pretty much my whole life. The farm that I'm living on now was my 14 grandparents. When I was a young boy bored, I'd go down there 15 to my grandparents and spend the weekend there and run around. 16 I learned -- grew up on that farm. It -- they talk about 17 18 property values. The property of that land is worth a lot more 19 to me and this is going to increase my likelihood of being able to maintain and keep that farm in the public -- or in the 20 family. You know, 30 years from now, I would like for my 21 daughter to have -- hopefully I'm still alive at that time. 22 But I'd like for my daughter, my grandkids to become older and 23 enjoy the farm just like I did growing up. If you put this in, 24 it's not just me -- I would not -- my 80 acres would not 25

actually from what they projected have a wind turbine on my 80 1 2 acres. To the north of me, there would be one, possibly two to 3 the south of me would be and that's within the same section 4 that I'm in, you know. So I'm going to get a little minute number compared to what they'll get, but the out -- the help 5 6 that I will get is in lowering of taxes, helping our local 7 schools. What, there's three schools in the county that will be getting -- maybe four in the county that will be getting 8 9 money off of this project to help the schools. We all know the government is reducing the amount of government aide the 10 schools can get anymore was what we're told, so that's -- by 11 12 putting in this money into there is going to help the schools to make up that as a percentage. Not only will it do that, it 13 will help lower the farmers, the landowners, the taxes on the 14 land with this money coming in off of -- and, you know, it's 15 not only going to help Neosho County. You get money put into 16 our county, two or three counties around us, people are still 17 going to be spending money off of this project into that 18 county. Then you got the people coming in while they're 19 building the deal. What did they say, 100 to 150 possibly 20 construction people coming in for a year, year and a half. 21 They're going to be spending money in all the towns in the 22 They got to be living somewhere so they're going to be 23 in here. And I think they said it's about a year and a half 24 25 project to build one there, Chanute, somewhere like that I

think. So this money that is coming in will be helping for a 1 year and a half, two years while they're building the project 2 3 and they're saying -- he said, what, 30 jobs possibly, permanent jobs on all these sites. So that's going to give a 4 person on each site possibly 10, 12 jobs be made on these 5 sites, so that's a positive to bring people -- other in, and 6 7 the people that come in to work on these are going to have to have certain degrees, so that's going to be bringing in people 8 9 from college out back into our area. Maybe they can also do other stuff in the area. They will be bringing their families 10 in, so it's just improving our area. So let's see. I just --11 12 I can't see -- and I have thought about it. I can't really see a negative to this because it's going to be helping not only 13 our county but your rate -- rates. If they go lower, that's 14 going to help everybody that you guys supply energy to, so it's 15 16 not just helping us. It's going to be a big help to our county, no doubt. But it's also going to help -- I don't 17 remember how many you said -- 200,000 or so homes that they're 18 19 hooked up to, so you're going to be helping that whole amount of houses, homes, and everybody these days knows everybody's 20 cost of living is going up and up and up. If you can decrease 21 my -- oh, I'd love it if you could decrease my electric bill by 22 23 100 bucks a month or what have you. I'd be able to do 24 something else with that hundred bucks. I'd be able to spend 25 it in my county or I'd be able to come over to Joplin and spend

it in Joplin. It's just everything that we can do these days 1 2 to help us save money is a plus. I come over here today, 3 you-all's fuel is \$.40 a gallon cheaper than what it is over in Kansas. Believe me, I'm going to fill up in Joplin before I 4 turn around and go back home. I -- just anything a person can 5 6 do and help them with your livelihood is going to help. You 7 get the mom and pop farms I call them, they've been there for 20, 30 years. You put a windmill or two on them. There's the 8 9 amount of that, what they get from the company, which would be Liberty, every year for that windmill or two windmills being 10 there. That's that much more right off the top before they 11 12 even touch that ground that they have got coming in yearly. That's a plus. I don't see how that could not be a plus. If 13 I'm going to buy an 80-acre farm, I would whole lot rather go 14 there and buy one that has -- oh, here, I got \$10,000 coming in 15 on this thing before I even sign the check. That's a plus to 16 me. A thousand dollars a month probably make your payment on 17 the place. Then whatever you do on top of that, that's a plus. 18 It's just -- I don't -- I have a hard time seeing -- I mean, 19 they probably have some points, the opposition probably has 20 some points here and there on setbacks. Possibly there's just 21 22 something that needs to be worked on. Other counties, like he 23 talked about how the other two counties have assigned the road, 24 there's always a compromise to be worked on both sides. Look at that with each other and you guys look at how much it's 25

going to help. If you go -- looks like to me if you go from 1 2 \$38 a megawatt, a millawatt [sic] or whatever it was down to 24, that's a big savings. Hopefully you guys will pass it onto 3 the people down the wire because it makes sense. You make it 4 cheaper. I work in the cement plant. If we can make it 5 6 cheaper, we make it cheaper. We lower the price of what we 7 sell. Just every business anymore, you're looking to cut your costs. It makes sense. And if you start using the wind, it 8 9 makes 100 percent sense to use it. It's there everyday. We've 10 been having 40-mile-an-hour gusts in our area lately. We would have made a lot of energy if we would have had these things set 11 12 up. I just, I have a hard time thinking of a negative and 13 people in our area are learning more about it. It's being -these guys are bringing it up a lot. People are starting to 14 ask questions more and more about it all the time. And there's 15 16 -- like I had a guy tell me yesterday, I'm really getting interested in this. I think I'll be going to the -- oh, what 17 18 he's talking about, the answer deal tomorrow or the 19 commissioner meetings so we can learn about it more. 20 putting more stuff in the paper, people can see it that way 21 also, which they -- I've been told they are putting it more in the paper. But I have a hard time not seeing this as a plus. 22 23 So thank you all for allowing me time to talk and you listen. 24 JUDGE DIPPELL: Thank you very much. 25 MR. UMBARGER: Thank you.

1 JUDGE DIPPELL: Carl Vrungardt? Can you please spell 2 your name? 3 MR. VRUNGARDT: CARL, VRUNGARDT. JUDGE DIPPELL: Maybe speak into the microphone a 4 little bit more. 5 6 COURT REPORTER: Exactly. 7 JUDGE DIPPELL: Would you please raise your right hand. 8 9 (Witness duly sworn by Judge Dippell.) 10 JUDGE DIPPELL: Go ahead with your comments. MR. VRUNGARDT: My brother and I farm within the 11 12 Neosho Ridge area and. 13 JUDGE DIPPELL: Speak up just a little. 14 MR. VRUNGARDT: There we go. Anyhow, we look at it, 15 you know, we support the wind farm, the idea of it and we see 16 it as another revenue source off our property and that will kind of help level out our income, you know, when times are bad 17 18 and, oh, you know, things have been better. But oh, another 19 thing is kind of look at the -- how do I want to say it -economic diversification of our county, so -- and that's about 20 21 all I got to say. JUDGE DIPPELL: That's fine. Thank you very much. 22 Bryan Schulz? Will you please spell your name? 23 24 MR. SCHULTZ: It's B R Y A N, then S C H U L Z, no T. 25 (Witness duly sworn by Judge Dippell.)

JUDGE DIPPELL: Thank you. Go ahead with your 1 2 comments. 3 MR. SCHULZ: I was just going to say I'm right in the middle of this thing at Neosho Ridge in Neosho County and kind 4 of been involved from the git-go. You know, we're all friends 5 6 and neighbors. All of us just got different opinions. You 7 know, 16 years ago I've kind of -- I farm, I mean, that's my love is the cattle and hogs, but probably what makes the money 8 9 is the convenient stores and steakhouse and it takes all, everything kind of to make it work. About 16 years ago, they 10 come in our county right around the Thayer/Galesburg area and 11 12 right in -- Thayer's right in middle of it and started these 13 gas wells, natural gas. I remember I was in a tire shop at that time and I went home and told my wife I just got \$1,600 14 15 for signing a lease for natural gas, they'll never drill, and \$138,000 later, you know, what we've got in the last 16 years 16 off my farm, you know, letting natural gas come in. But not 17 only did it come in off the gas wells -- and that's just off 18 19 160 acres and everybody that lives around me that has them, they got just as good wells. And I sure wish I had that money 20 21 but I spent it, you know, and that's what we're after here. 22 The gas revenue is way down, you know, to the point that it's 23 almost nonexistent. This come in at the right time trying to 24 replace some of that income for us -- some of this out on the 25 farm. The natural gas, you know, was not really a set amount.

I've got all the way from -- in the heyday from about a 1 2 thousand dollars a month up to a couple thousand dollars a 3 month. But it averaged about a thousand until about the last four years and I was down less than \$200. But what I'm getting 4 at is these windmills is a quaranteed income if you would 5 6 happen to get one, you know, if it was -- and I know all wind 7 farms are different. But in our case, a two and a half megawatt turbine is \$6,250 plus the revenue sharing. 8 9 don't -- you know, in our case if you don't get a windmill, you're going to at least get some revenue sharing to help pay 10 some of the taxes and it just helps your neighbors. And that's 11 12 kind of why -- and in general, if this 300 megawatt farm goes in, it's going to create about \$1.25 million a year to people 13 in our area, you know, from the revenue sharing part or off the 14 turbines and then that will -- you know how it goes, it will 15 16 just turnover several times. You know, we had a lot of 17 negative things about what these things will do. You know, I 18 got an old man that comes into my convenience store every Thursday. He's 96 years old. And I'll never forget it, I 19 mean, he just brought it up. You know, when he was about 20 20-year-old kid, electric poles, electric was coming in the 21 area. He says in his lifetime he's never seen anything -- more 22 23 fights with neighbors other than electric poles coming in. Nobody wanted to look at them. They didn't want to see them. 24 25 Half the people wanted it, half the people didn't and they darn

sure didn't want it if the poles was on their side of the road. 1 2 Okay. He says they went in, of course. He says and then after they -- he says they even divided the county -- the neighbors 3 up enough that when electric went into the old school houses 4 some of the people brought their kids out of school. He says, 5 6 you know, but three years later when the neighbors seen me and 7 my dad milking a one -- you know, electric milker milking a cow -- everybody had eight to ten cows back then. He says in three 8 9 years everybody had electric and the poles, you know, when you drive by electric pole you don't think of them today. I 10 believe that's what we'll see on these turbines too. 11 12 the number one cause I got to say -- about the only thing I got 13 to say people is going to see them. You're going to see them from 15, 20 miles around. Just like a water tower, cell phone 14 towers with the blinking lights, you don't think nothing of 15 them today. I mean, when they first go up, they're new but you 16 just don't see them. And I don't want to cause nobody health 17 trouble. You know, the other night they said that it caused 18 high blood pressure. Well Ma'am, I got high blood pressure now 19 and ain't been around one other than about three times when I 20 did see them. So what I'm saying is there's other things that 21 cause health effects and I just don't think the turbine is 22 23 going to do it. Now, you will find somebody, some professor 24 that says that but I think you're going to have use it on your 25 own judgment. And in return to the one comment, I appreciate

our commissioners not jumping on the gun on this thing, you 1 2 know, right in April when they could have done it. Two things 3 is, and I've been in the middle of it, we got a thousand foot setback. It was 550 feet to 600 feet setback, so we got fuller 4 setback from our neighbors. You know, just lately we got a 5 6 1,640-foot setback from the nonparticipating houses. 7 me, I tried for further, but that's as far as it's going to go. It ain't going to go any further or this project can't happen. 8 9 I'm just a dumb farmer but I'm smart enough to figure out through the maps and what's leased and not that the setbacks 10 cannot go further. I applaud Apex for trying. You know, it 11 12 would be easier to build this thing with the setbacks they had to begin with and if our county commissioner would have jumped 13 on it, it wouldn't have been as good for my neighbors if it 14 goes in. I hope it goes in. It's going to be a benefit, not 15 only to myself -- and I'm not going to stand here and say it 16 ain't because I own two convenience stores in the middle of 17 this thing and I own a steakhouse, plus I own land, you know, 18 even if I didn't have that, I'd be for this. It's clean 19 energy, you know, it's the thing coming. I think you will see 20 more and more of them if we live another 20 or 30 years. I 21 really think it is and I applaud Empire for getting ahold of 22 23 this thing to try to reduce. You know, being in business and 24 I'm sure there's, you know, there's a guy in business here that 25 I do business with, you know. If we knew what our input costs

was 20 years from now, it'd be a lot better. We don't know 1 2 from week to week. And Todd, if you could go ahead and get 3 your gas. I mean, that guy usually gets his gas at my place and it's only \$.20 a gallon cheaper. But anyway, I don't blame 4 him. But what I'm saying is, you know, the people that's going 5 6 to do business at my place but I'd be for it even if I didn't 7 benefit from it because if it'd benefit Neosho County. And I ain't going to get into it, but the school districts, you know, 8 9 they got a ten-year abatement. After the ten years, these things go on a tax roll and I know Empire is only going to pay 10 60 percent of what if Apex owned the thing. That's just how it 11 12 is, you know, but that's still going to bring -- we got an \$18 million assets value in 101 school district. The highest 13 school district in the State of Kansas I live in. For some 14 reason it's high. But what I'm saying is it's going to put \$11 15 million, you know, more -- well, it's probably going to be \$10 16 17 million dollars in 101, probably about two to 3 million in 447, a different school district. It should lower the taxes for 18 everybody in 101 40 percent in year 11. I hope I'm alive to 19 see it because I really believe that in my heart. Everybody 20 says they're just going to roll this tax. I think in 11 years 21 it will be on the tax roll. If they roll it over, the county 22 23 is going to get a set amount and it's a good -- they can 24 utilize that however best the commissioners, but I just hope 25 you think -- look at the total impact on that and I don't want

to be -- and another thing, there is a lot of homes around the 1 2 Galesburg area, there is, but with the setback here, it's only 3 probably going to -- there's not going to be very many turbines 4 because there's several houses there. It's going to be in a 5 less populated area because you can't build them because of the 6 setback. So yes, there is that many homes in our area but it's 7 not going to affect that many because there's them concentrated 8 houses they're going to have to stay away from. And it's hard 9 to build, you know, 41,000 acres, it's hard to come up with a 10 spot to put up 139 turbines. I've looked at it myself. 11 all the setbacks, with the gas wells and the lines, it ain't 12 like they're blowing smoke up people, you know, because I'm 13 just telling you it's hard to come up with the spots. So, you know, if you have any questions, you know, some of that stuff 14 15 it's just off the top of my head. But like I say, the numbers I've looked over and I'm pretty confident in what I said. 16 17 JUDGE DIPPELL: Thank you, sir. Adam Tromsness. 18 MR. TROMSNESS: That's A D A M, T R O M S N E S S. JUDGE DIPPELL: Can you speak up just a little? 19 20 MR. TROMSNESS: Oh, yeah. 21 (Witness duly sworn by Judge Dippell.) 22 JUDGE DIPPELL: Thank you. 23 MR. TROMSNESS: Well, like I said, my name is Adam 24 Tromsness and I'm the Mayor of the City of Galesburg so I'm kind of speaking on behalf of the city tonight. I appreciate 25

Dale doing the research for me. There's 58 homes inside of 1 2 Galesburg so we're a very small community. We are a bedroom 3 community but we are growing, so we are going to be affected by this project as it moves forward. So since this past summer 4 when we had the first Town Hall in Galesburg, the city council 5 has done a lot of research. We've asked a lot of questions. 6 7 We've canvassed the community, people that live in our community, people that work in our community and it was after 8 9 careful consideration that on December 11th, the city council voted to pass a resolution to support the project as long as 10 the following two conditions are met by Apex: The first 11 12 condition that we requested was that the city would receive a significant portion of the funds from the contribution 13 agreement to be spent within the impacted area. We felt that 14 15 it was important to be able to use those funds for both participating members as well as nonparticipating members that 16 17 they would be able to see tangible benefits from the project. The second condition was a wireless Internet provider located 18 in Galesburg provides Internet service to 400 homes throughout 19 Neosho County. They utilize a series of towers and wireless 20 technologies. To distribute the Internet we wanted to make 21 sure that this project would not interfere with the customers 22 23 that are scattered throughout the county and the business being

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So since that time, Apex has -- it's been our experience

headquartered there in Galesburg.

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with them that they have been very helpful with providing 1 2 information. They are working with the company to make sure 3 that the service to the customers won't be impacted and the 4 requests for the funds has been submitted to the county 5 commissioners as part of their proposal. So it's been our 6 experience that Apex has provided everything we've asked from 7 They have been very helpful. That's all I have. Thank 8 vou. 9 JUDGE DIPPELL: Thank you for coming. Steven Seeley. MR. SEELEY: S T E V E N, S E E L E Y. 10 (Witness duly sworn by Judge Dippell.) 11 12 JUDGE DIPPELL: Thank you. MR. SEELEY: Well, I don't any prepared remarks or 13 anything. I just came to talk about how I felt about the 14 15 project and give my point of view on it. I do live within the 16 affected area. Not in Neosho County. I'm actually in the 17 seemingly a little less represented North Fork Ridge area for 18 it. We do have some land up there. I'm a cattle rancher. My 19 parents are cattle ranchers. We are participants in the project to kind of -- we feel a little possible conflict of 20 21 interest maybe. I don't know. Just put it all out there. Another possible conflict of interest, I like to breathe, my 22 23 whole family does as a matter of fact dating back as far as we 24 can remember, so we kind of have interest in clean air. 25 like our air to not have extra stuff in it. We live near the

Asbury power plant. It's -- as far as coal power plants go, 1 2 it's not bad. We chose to move there knowing it was there. 3 Empire has been a great steward of the area with that. There's been no issues as far as we've been concerned with that. 4 the wind power generation is by definition and necessity a lot 5 6 better. You can't get coal to 100 percent clean. It's just 7 not possible with the way it burns because it burns to give off the energy. It's exothermic reaction. You have by-products of 8 9 that that pile up and have to be disposed of and taken care of. With wind, if you have a wind spill, I got to go pickup my 10 patio furniture off the deck. It's okay. They talked about --11 12 earlier about 3,800 -- the state showed 3,800 incidences with blades produced by the wind power industry year. Most of these 13 incidences happened -- I had read the study before I showed up 14 because I did some research on this. We've been looking at 15 16 this for over a year also. Most of those incidences, matter of fact a vast majority of turbines weren't even moving, so there 17 were no throwing parts or people ducking running for cover or 18 calamitous injuries or anything like that. It was installing 19 it a crane accidentally bumped a blade. It's an incident, it 20 needs to be reported. That's the thing. There was some severe 21 weather, lightning struck a tower. That was in the study too. 22 23 That was part of the 3,800. Blades weren't turned. Nothing 24 was thrown. Nothing could have been thrown. It was 25 stationary. I'd like to commend Empire for putting forward

this plan. Looking at the thing to look at, what we have is 1 2 clean energy and savings. Those are two main byproducts. toss in politics and you look at some fringe science and other 3 4 things, oh, my God, you're going to die, health effects. cell phones were supposed to kill us all from brain cancer ten 5 6 years ago. Because remember, if you hold it to your face 7 talking on it too much, you are going to die from brain cancer. I remember that early 2000, so that was the big thing for a 8 9 while. Also while I was growing up in the '90s, you can't stand too close to the microwave in the kitchen because it 10 would kill you also. The radiation off that was just going to 11 12 be deadly. Well we've moved on, we've learned a few things since then. That radiation off the microwave isn't the kind 13 that even affects you. It's not really radiation in what form 14 most people think of it as. There's a lot of fringe science 15 out there but what isn't fringe science is nonrenewable energy 16 is affecting the climate. 97 percent of scientists agree with 17 that. Moving to a renewable source, whether it's wind, solar, 18 19 geothermal, what have you is going to be a necessity in the future. Right now we're starting to feel the effects. 20 21 Australia is in its record summer heat right now. I mean, yes, we're cold. The world is a little bigger than southwest 22 23 Missouri. In the summer we are getting hotter here. 24 to be able to pass the farm down to the kids. I'd like for 25 them to be able to breathe. I'd like for them to be able to go

outside and enjoy a nice summer day. I look at this as an 1 2 investment in that. I look at it also as an investment in the 3 farm too. If we get a turbine on the ranch -- and I'd just like to mention to Blake over there, if you guys don't get the 4 thing going on in Neosho County, bring some more over in North 5 Point Ridge. We'll take them. Like I said, we have about 600 6 7 acres in this project. Stack them up. There's no houses for about a mile on a couple of our plots. Don't have to worry 8 9 about the setbacks either. 10 Anyway, after a little bit there, like I said, I didn't have prepared remarks. I'm just here to address how I feel 11 12 about the project and I look at it as a way to keep my family farming. Right now we just have cows and we raise hay. We 13 don't do crops or anything like that. But it's a lifestyle for 14 15 the kids. Growing up, my dad lived on a family farm. parents had to sell the farm. He went into town, he became an 16 17 engineer. After he got ready to -- close to retirement, we bought a farm out here and we moved out here. I've lived in a 18 city, I've lived in a rural area. I don't want my kids to have 19 to go back to living in a city because the farm is able to make 20 21 ends meet. This is a way to stabilize their income. It's a way to stabilize their neighbors income. I've seen so many 22 23 things happen in this area. Barton County, Lamar, the county seat there, also the biggest town in the county, we lost 24 25 O'Sullivan Industries, the main employer in the town. Killed

the tax base, killed employment in the area. Saw a lot of 1 2 people moving out, so lost a lot of friends that now aren't 3 anywhere near here. It was a big disruption. I would hate to 4 see that happen in the smaller areas. This is a way to keep some incomes for people who desperately need it. We're not in 5 as bad shape as some of the people out there but it would be 6 7 nice to get a little extra income coming in. Our school district is Liberal School District. They're looking at the 8 9 possible tax revenue coming in to be able to build -- help fund a tornado shelter, keep the kids safe. Talk about tornado 10 effects if one hits a turbine out there. Well if one hits a 11 12 city, this wind farm might keep some kids from dying because 13 Liberal passed a bond issue with anticipation of higher tax revenue coming off of this to help pay for it, to build a 14 tornado shelter. It would be nice if we could follow up on 15 that, keep the kids safe. Thank you guys. 16 17 JUDGE DIPPELL: Kim Bartlett? 18 MS. BARTLETT: K I M, B A R T L E T T. 19 (Witness duly sworn by Judge Dippell.) JUDGE DIPPELL: Thank you. Go ahead with your 20 21 comments. MS. BARTLETT: I want to first state that I'm here as 22 23 a private citizen and as a ratepayer that has recently 24 relocated to Karl Junction but I have an interesting history 25 and I wanted to come speak tonight because of that. I'm

originally from Oklahoma. I lived in Oklahoma City for the 1 2 past 30 some-odd years. I recently relocated to this area 3 because my 105-year-old grandmother lives at Spring River here in Joplin and we just needed someone closer by for her. 4 Formerly I was the Oklahoma State Conservation Chair for 5 Sierra Club. I am also a registered independent and 6 7 libertarian. I am not associated with Sierra Club here in Missouri as of yet and I am not speaking on behalf of any 8 9 organization. But as conservation chair in the State of Oklahoma, I have learned more than my fair share about energy 10 and I am here tonight to support this project, to support the 11 12 State of Missouri's looking forward to renewable energy resources and to support Empire District's move in that 13 direction and I would like to encourage further moves towards 14 15 truly renewable resources like wind and solar. Natural gas is not a renewable resource, nor is it sustainable. Natural gas 16 may not have impacted this area as severely as it has Western 17 Oklahoma, but there is a price to pay for natural gas and if 18 you don't get your electricity from renewable resources, you 19 will be getting it from somewhere and someone will be affected. 20 21 Our farming community in Western Oklahoma has been severely disadvantaged by the new fracking industry. I'm not -- I still 22 23 don't consider myself to be an environmentalist. I got involved in this area because of municipal preemption in the 24 25 State of Oklahoma where we no longer allow our cities to

determine whether or not oil and gas can come in. There are no 1 setbacks for oil and gas in Oklahoma none. There are setbacks 2 if you want to build next to oil and gas installations but 3 4 there are no setbacks for them, and the affects are devastating to water, to health. Oil and gas is not what it used to be. 5 6 These new fracking enterprises that come in, they used to drain 7 three-acre feet of water. Old oil and gas wells took three-acre feet. These new take 3 million acre feet of water. 8 9 We haven't studied our reservoirs. We don't know how much is in there. Our law in Oklahoma is stacked against us. 10 Kingfisher County commissioners just took a case to the 11 12 Oklahoma Corporation Commission trying to preserve ranchers 13 water rights and we were shutout because of our law. We were not able to keep our legislature from hurting our population. 14 15 Earthquakes are only the tip of the iceberg. When you see the cases of children who have breathing difficulties, when you see 16 the wells that are contaminated, that is not the future. That 17 will not be a future for any of our children. I don't have 18 children but I have nieces and nephews and I don't want to see 19 that world left to them. I'm also a good practicing Christian 20 21 and my Bible says that we are to love our neighbors and our 22 neighbors are everyone, even the people in Oklahoma and 23 Pennsylvania and Wyoming, Texas that are supplying your energy 24 needs to our detriment. So when you consider moving forward 25 and what your electrical needs will be for generations to come,

1 invest in wind. Those aren't eye sores. That is hope on the 2 horizon. Thank you. 3 JUDGE DIPPELL: Thank you. John Fenton? MR. FENTON: JOHN, FENTON. 4 (Witness duly sworn by Judge Dippell.) 6 JUDGE DIPPELL: You're kind of tall and on the uphill 7 there, so you may want to take that out. MR. FENTON: I think I'll just remove this. 8 recently relocated to Missouri from the State of Wyoming. I 9 think that this process provides a lot of freedom and input 10 that a large part of the country doesn't get to have. You're 11 12 here to choose whether you're going to move forward with a more 13 advanced, cleaner technology to produce your energy with and 14 you have a system set in place that you can come and comment 15 and air your concerns, your support and come to some sort of 16 consensus. I relocated after running a family ranching operation in Wyoming for the past almost 20 years. We put up 17 18 approximately 800 tons of hay and oats a year. I calved 200 to 19 300 head of cows every year. That is no longer a viable farming operation. We had to leave because of water and air 20 21 contamination due to the hydraulic fracking that took place on our farm. Most of the energy in the State of Wyoming is 22 exported. 60 percent of the electricity even generated in the 23 24 State of Wyoming is exported. We are an energy colony. 25 power comes from somewhere. If it's not coming from you, it's

coming from someone else very often not by their choice. 1 2 two adult sons now run a solar installation company rather than 3 a ranch. The farm is not viable anymore. The water would no longer sustain the animals. It would cause abortions. It 4 would cause all sorts of concerns for the safety of the meat 5 being consumed. It just became unserviceable. So their whole 6 7 life was turned around and they decided to do something positive with it. I think you have a chance here to do 8 9 something positive for your future and for everyone else's futures by approving this and I'm here to voice my support for 10 this project. 11 12 I worked in the oil and gas industry for everything from a basic labor clerk to a certified x-ray quality welder to 13 support the farm and ranch operation. I would much rather work 14 15 around a wind turbine than I would around a gas well. closest gas well to our house was 125 feet from the front door. 16 I would trade the 22 gas wells that were on our ranch for 22 17 wind turbines any day of the week and I'd still be farming. We 18 have a responsibility to move forward. We can stay mired in 19 the technology of the past and we can deal with the concerns 20 21 and the contamination that comes with that of water and soil and of human beings. We have young men who die at the top of 22

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production tanks all throughout this area where the new

hydraulic fraction is taking place and we have companies saying

that these men drop dead of heart attacks that are 18, 19, 21,

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1	22-year-olds. They're dying from the effects of the vapors
2	coming off the tanks. I would much rather take the noise of a
3	wind blade sliding through the wind than I would take the fumes
4	and the constant harassment that came with having oil and gas
5	on our property. The oil and gas runs out, coal runs out. I
6	was the chair of the Powder River Basin Research Council in
7	Wyoming for a year. It's an advocacy group for private
8	property rights. Many of the ranchers and farmers in the
9	Powder River Basin, the northeast area of the State of Wyoming
10	cannot farm and ranch anymore because it doesn't exist. The
11	land does not exist anymore. The largest open pit coal mines
12	in the United States that supply power for the rest of this
13	country are there and their farm and ranches disappeared from
14	the face of the earth. You have an opportunity here to do
15	something right and to do something that's forward leaning and
16	makes sense. Change is not easy. Giving up your viewscape,
17	things change, that's not easy. It's still going to be there
18	and the wind is still going to blow and you're still going to
19	be making power and there's going to be young men doing and
20	young women doing jobs that are sustainable. It doesn't run
21	out like oil and gas does. It doesn't contaminant. It's just
22	a win-win situation. And I very much appreciate the private
23	property concerns. I very much appreciate the loss of privacy,
24	the loss of your viewscape but we're all responsible for the
25	impact that we have and if we're going to use power, I think we
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- 1 should generate the power where it's used and that way people
- 2 have a real idea of what that means, because if you are
- 3 eternalizing your costs and you're bringing in power, if you're
- 4 bringing in natural gas, if you're bringing in coal or uranium
- 5 from somewhere else, it's very easy to be sloppy and it's very
- 6 easy to be wasteful. And from what I have seen from the good
- 7 people here, they're good to their neighbors, they're good to
- 8 their communities and they care about things and this is a
- 9 caring act to do. Once again I'd like to voice my support and
- 10 I appreciate the opportunity to speak before you. Thank you.
- 11 JUDGE DIPPELL: Thank you. That was the end of the
- 12 people that I had signed up. Is there anyone else who would
- 13 like to speak? Come on down.
- 14 MR. BOYT: My name is Arthur Boyt, B O Y T last name.
- 15 (Witness duly sworn by Judge Dippell.)
- JUDGE DIPPELL: Thank you. Go ahead with your
- 17 comments.
- 18 MR. BOYT: I think it -- I am a 50-year resident of
- 19 Southwest Missouri and in fact a few more decades and I might
- 20 be considered a local. I spent the last 35 years profoundly
- 21 engaged with renewable energy design issues, economics and
- 22 about two-thirds of that time was teaching the subject at a
- 23 local community college and about one-third of that time has
- 24 been spent in the private sector. And I think it is
- 25 understandable and normal to have suspicion about new

technologies and the impact that they will have on your lives 1 2 as they are implemented, but I see here a paradigm shift 3 opportunity being offered by the wind technology that's being proposed for this part of Missouri and in spite of an economic 4 disadvantage to myself, which I'll explain in a minute, I am 5 very optimistic and pleased about the prospect of the Empire 6 7 proposal. I -- one thing about the concern about turbine blade failure is I think it's important to look at the technology 8 9 that's being put into place rather than looking at the industry as a whole, which includes turbines that are 30 years old with 10 aging blades and previously less sophisticated construction 11 12 technology. I know there's concern about land values and I'd like to make a parallel with solar in that I've been involved 13 most recently in solar installations and 15 years ago I met 14 with some real estate folks and they said don't put solar on 15 homes. It will ruin the real estate value, it will devalue the 16 homes and you'll never get the investment back, and in the last 17 year or so, I've put solar panels on the home of one of the 18 leading realtors in Joplin, Missouri and he said I did it 19 because it increases my home's value. 20 I think as technologies are accepted and understood, the 21 same is going to happen for the area affected by these 22 23 This part of this paradigm shift is the value that the turbines bring economically, the values they bring to the 24 25 living environment and really the vision that it builds within

1	the community as to what the future can hold, and these are
2	very important. Some of them intangible and some of them are
3	very obvious from the speakers that talked about the economics.
4	Let me give you a quick example. I had the opportunity to
5	go to Denmark three times during my tenure as a renewable
6	energy teacher. The first time I stayed with a hog farmer and
7	within half a mile of his farm, there were a half a dozen wind
8	turbines and he was very supportive of the technology. He
9	didn't experience any difficulty with his farm operation. He
10	thought it was a really positive thing. The next time I went I
11	stayed with a rural entrepreneur. He was a landowner and had
12	rental properties and he and his neighbors invested in a wind
13	turbine that was within their community. It was within a
14	couple of thousand feet of his home and he told me that, in
15	fact, after 15 years of operating this turbine, the group
16	decided to take it down and replace it with one twice as large
17	because it was a very positive community revenue generator and
18	very positive for his operation and for a great investment.
19	I think the turbines that are being proposed are among the best
20	of the opportunities we have for the future. I have a little
21	personal financial concern in that part of the selling point of
22	solar panels which I install is that the alternative from the
23	utility is environmentally dirty, it's expensive and it's a bad
24	risk for the future and fortunately Empire is removing those
25	sales points from my presentations to potential clients. But
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1	the bottom line, I have to say this is a very positive and
2	forward-looking and beneficial proposition from my viewpoint.
3	Thank you.
4	JUDGE DIPPELL: Thank you. Is there anyone else who
5	would like to testify? Okay. I'm not seeing anyone else. If
6	there are no further comments, then we will conclude this
7	hearing. Appreciate you all coming out on this cold evening
8	and please drive carefully going home. We can go off the
9	record.
10	(Hearing concluded at 7:54 p.m.)
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