

1 Indianapolis, Indiana  
2 August 26, 2009  
3 9:30 A.M. (EDT)

4 (Reporter marked documents for  
5 identification as Petitioner's  
6 Exhibit Nos. A, Confidential A-1,  
7 Confidential A-2, Confidential  
8 A-3, A-4, A-5, B, B-1 through and  
9 including B-5, Confidential B-2,  
10 A-R, B-R, C-R, D-R and Revised  
11 Rebuttal B-3)

12  
13 (Reporter marked document for  
14 identification as Intervenor's -  
15 Residential Customers Exhibit No.  
16 A)

17  
18 (Reporter marked document for  
19 identification as Public's Exhibit  
20 No. 1)

21  
22 JUDGE STORMS: This is an  
23 evidentiary hearing before the Indiana Utility  
24 Regulatory Commission in a cause docketed  
25 before the Commission as Cause No.

1       43114-IGCC3. The caption is the "Verified  
2       Petition of Duke Energy Indiana, Incorporated  
3       seeking (1) approval of an ongoing review  
4       progress report pursuant to Indiana Code  
5       8-1-8.5 and 8-1-8.7; and (2) authority to  
6       reflect costs incurred for the Edwardsport  
7       integrated gasification combined cycle  
8       generating facility property under  
9       construction in its rates and authority to  
10      recover external costs through its integrated  
11      coal gasification combined cycle generating  
12      facility cost recovery adjustment, Standard  
13      Contract Rider No. 61 pursuant to Indiana Code  
14      Sections 8-1-8.8-11 and 12."

15                   Notice of the time and place of  
16      the hearing was given as provided by law by  
17      publication in Marion County in the  
18      Indianapolis Star, in Hendricks County in the  
19      Weekend Flyer and the Republican. Each of  
20      said newspapers is a newspaper of general  
21      circulation, printed and published in the  
22      English language in their respective counties.  
23      Said publications were made ten days prior to  
24      the date of the evidentiary hearing. The  
25      proofs of publication of the notices have been

1 received by the Commission and are now  
2 incorporated into the record of this cause by  
3 reference and placed in the official files of  
4 the Commission. Notice has also been given to  
5 the Office of Utility Consumer Counselor and  
6 other interested parties.

7 May we have appearances of  
8 counsel, please?

9 MR. DuMOND: Good morning, Your  
10 Honor. Appearing for Duke Energy Indiana are  
11 William DuMond and Kelley Karn of 1000 East  
12 Main Street, Plainfield, Indiana.

13 MS. DOEHRMANN: Good morning, Your  
14 Honor. Carrie Doehrmann appearing on behalf  
15 of Intervenors, Indiana Wildlife Federation  
16 and Clean Air Task Force. I'm at the law firm  
17 of Frost Brown Todd, here in Indianapolis.

18 MR. POLK: Appearing on behalf of  
19 Intervenors, Citizens Action Coalition of  
20 Indiana, Save the Valley and Valley Watch,  
21 collectively referred to as Residential  
22 Customers, Jerome Polk of the firm Polk &  
23 Associates, LLC, here in Indianapolis.

24 MS. BECKER: Appearing on behalf  
25 of Nucor Steel, a division of Nucor

1 Corporation, Anne Becker with the law firm of  
2 Stewart & Irwin, here in Indianapolis.

3 MR. ENDRIS: On behalf of the  
4 Public, Robert M. Endris with the Indiana  
5 Office of Utility Consumer Counselor.

6 JUDGE STORMS: Okay, thank you.

7 Prior to going on the record this  
8 morning, the parties have advised the  
9 Commission that they do not have  
10 cross-examination for any witnesses in this  
11 cause. The Commission does have a few  
12 questions for Mr. Womack.

13 Perhaps the most expeditious way  
14 to do this is -- expedient way to do this is  
15 to simply have the Petitioner proceed and put  
16 their evidence into the record, and then we'll  
17 proceed to have Intervenor, CAC, Residential  
18 Customers, put their evidence in and then the  
19 OUCC put their evidence in, and then we will  
20 proceed. We have a few questions for Mr.  
21 Womack; we can call him up at that time.

22 So, Petitioner, you may proceed.

23 MR. DuMOND: Thank you, Your  
24 Honor. For our case-in-chief testimony, we  
25 have the verified testimony of Mr. Womack and

1 the verified testimony of Diana Douglas. The  
2 Court Reporter has previously marked the  
3 testimony and sub-exhibits, and I will  
4 identify them for the record.

5 The verified testimony of Mr.  
6 Womack is Petitioner's Exhibit A with five  
7 sub-exhibits, two of which are confidential.  
8 The confidential exhibits are Petitioner's  
9 Exhibit A-1 and A-2 as well as A-3; I misspoke  
10 in saying we had only two confidential  
11 exhibits.

12 We also have Petitioner's Exhibit  
13 B, consisting of the verified testimony of  
14 Diana Douglas, and she has five sub-exhibits,  
15 B-1 through B-5. One page of B-2 is  
16 confidential.

17 Your Honor, at this time, we would  
18 move to admit the case-in-chief testimony of  
19 the Petitioner consisting of Petitioner's  
20 Exhibit A, redacted Exhibits A-1 and A-2,  
21 Petitioner's Exhibits A-4 and A-5, and  
22 Confidential Exhibits A-1 and A-2 and  
23 Confidential Exhibit A-3.

24 In addition, we would move to  
25 admit Petitioner's Exhibit B and Sub-Exhibits

1 B-1 through B-5, and, in addition, we would  
2 move to admit Petitioner's Confidential  
3 Exhibit B-2.

4 Each of the confidential exhibits  
5 are under seal.

6 JUDGE STORMS: Mr. DuMond, each  
7 one of the confidential exhibits were  
8 previously determined to be confidential on a  
9 preliminary basis pursuant to a Docket Entry;  
10 is that correct?

11 MR. DuMOND: Yes.

12 JUDGE STORMS: We will show each  
13 of the exhibits and sub-exhibits identified by  
14 Petitioner's counsel admitted into this cause  
15 without objection.

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1 (PETITIONER'S EXHIBIT NO. A, BEING  
2 THE PREFILED DIRECT TESTIMONY OF  
3 MR. W. MICHAEL WOMACK, WITH  
4 PETITIONER'S EXHIBIT NOS. A-4 AND  
5 A-5 ATTACHED THERETO, AND  
6 PETITIONER'S EXHIBIT NO. B, BEING  
7 THE PREFILED DIRECT TESTIMONY OF  
8 MS. DIANA L. DOUGLAS, WITH  
9 PETITIONER'S EXHIBIT NOS. B-1  
10 THROUGH AND INCLUDING B-5 ATTACHED  
11 THERETO, ADMITTED INTO EVIDENCE.)  
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1 (PETITIONER'S EXHIBIT NOS.  
2 CONFIDENTIAL A-1, CONFIDENTIAL  
3 A-2, CONFIDENTIAL A-3 AND  
4 CONFIDENTIAL B-2, ALL BEING  
5 CONFIDENTIAL DOCUMENTS, ADMITTED  
6 INTO EVIDENCE ON A CONFIDENTIAL  
7 BASIS.)  
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1                   MR. DuMOND: In the interest of  
2 administrative efficiency, may I proceed with  
3 our rebuttal evidence?

4                   JUDGE STORMS: Please, yes.

5                   MR. DuMOND: Your Honor, we have  
6 the verified testimony of four witnesses  
7 consisting of Petitioner's rebuttal Exhibit  
8 A-R, and two sub-exhibits, A-1 and A-2. This  
9 is the testimony of Mr. Womack.

10                  We have Petitioner's rebuttal  
11 Exhibit B-R and four sub-exhibits.

12                  We have Petitioner's Exhibit C-R,  
13 consisting of the verified testimony of Mr.  
14 Stowell, and we have Petitioner's rebuttal  
15 Exhibit D-R and four sub-exhibits, D-1, D-2,  
16 D-3 and D-4, consisting of the verified  
17 testimony and sub-exhibits of Ms. Diane  
18 Jenner.

19                  I would like to point out, Your  
20 Honor, that for the testimony of Dr. Stevie,  
21 we are also submitting a Revised Rebuttal  
22 Exhibit B-3, and I transmitted a copy of this  
23 exhibit via e-mail to all of the parties and  
24 to yourself yesterday. This sub-exhibit adds  
25 two explanatory footnotes to the prior

1 exhibit, Rebuttal Exhibit B-3.

2 I would also like to point out  
3 that each time in the testimony of Dr. Stevie  
4 where we refer to that Exhibit B-3, we've  
5 added in the words "Revised Rebuttal Exhibit  
6 B-3", and that appears three times in written  
7 form on the testimony submitted to the Court.

8 At this time, Petitioner moves to  
9 admit rebuttal Exhibits A and A-1 and A-2 --  
10 I'm sorry, A-R, Petitioner's rebuttal Exhibit  
11 B-R and all sub-exhibits including Revised  
12 Rebuttal Exhibit B-3, Petitioner's rebuttal  
13 Exhibit C-R and Petitioner's rebuttal Exhibit  
14 D-R and each of the four sub-exhibits, D-1  
15 through D-4.

16 JUDGE STORMS: Mr. DuMond, just  
17 for clarification, with respect to Dr.  
18 Stevie's testimony, B-R, there appears to be  
19 B-1 through 3 as sub-exhibits and then a  
20 Revised Rebuttal B-3.

21 MR. DuMOND: That's correct.  
22 Actually, Dr. Stevie has four sub-exhibits,  
23 and if I said there were three, I misspoke,  
24 but you are correct; the third exhibit,  
25 Rebuttal Exhibit B-3, is the one that has been

1 revised, and we have submitted on a separate  
2 piece of paper the revised exhibit.

3 JUDGE STORMS: Okay. Anything  
4 further?

5 MR. DuMOND: Your Honor, I do need  
6 to bring to the Commission's attention two  
7 minor changes in the testimony of Mr. Womack,  
8 his rebuttal testimony, which is Petitioner's  
9 rebuttal Exhibit A-R.

10 If the parties could follow along,  
11 on Page 3 of his testimony, Line 22, that line  
12 begins "IGCC project. . ." The words "IGCC  
13 project" have been stricken, and in place of  
14 those words are the words "gasification  
15 plant". So, the entire sentence would read  
16 "We believe our request was reasonable and  
17 should have been approved by the EPA because  
18 under a plain reading of the language our  
19 project qualified, and the EPA had approved an  
20 exemption for the Great Plains Gasification  
21 plant wastewater."

22 Similarly, on Page 4, Line 3, that  
23 sentence -- that line begins with the words  
24 "IGCC plant. . ." "IGCC" has been stricken,  
25 and the word "gasification" has been inserted.

1 COMMISSIONER ZIEGNER:

2 Gasification plant?

3 MR. DuMOND: Yes. Plant is  
4 already there, so it would read "gasification  
5 plant".

6 COMMISSIONER ZIEGNER: Oh, sorry.  
7 Thank you.

8 MR. DuMOND: Again, with that,  
9 Your Honor, we move to admit all of the  
10 exhibits that we have identified with the  
11 changes that I've mentioned.

12 JUDGE STORMS: Okay. Mr. DuMond,  
13 the changes that you referenced with respect  
14 to Mr. Womack's testimony, were those revised  
15 pages, or are they stricken with his initials  
16 in the margin? How did you handle that?

17 MR. DuMOND: He has written those  
18 changes on the official exhibit and initialed  
19 those changes.

20 JUDGE STORMS: Okay. If there's  
21 no objection, we will show Petitioner's  
22 rebuttal Exhibits A-R, B-R, C-R and D-R with  
23 all sub-exhibits admitted into this cause.

24 MR. DuMOND: Thank you, Your  
25 Honor.

1 (PETITIONER'S EXHIBIT NO. A-R,  
2 BEING THE PREFILED REBUTTAL  
3 TESTIMONY OF MR. W. MICHAEL  
4 WOMACK, WITH PETITIONER'S EXHIBIT  
5 NOS. A-1 AND A-2 ATTACHED THERETO;  
6 PETITIONER'S EXHIBIT NO. B-R,  
7 BEING THE PREFILED REBUTTAL  
8 TESTIMONY OF DR. RICHARD G.  
9 STEVIE, WITH PETITIONER'S EXHIBIT  
10 NOS. B-1 THROUGH AND INCLUDING B-4  
11 AND REVISED REBUTTAL B-3 ATTACHED  
12 THERETO; PETITIONER'S EXHIBIT NO.  
13 C-R, BEING THE PREFILED REBUTTAL  
14 TESTIMONY OF MR. JOHN L. STOWELL,  
15 AND PETITIONER'S EXHIBIT NO. D-R,  
16 BEING THE PREFILED REBUTTAL  
17 TESTIMONY OF MS. DIANE L. JENNER,  
18 WITH PETITIONER'S EXHIBIT NOS. D-1  
19 THROUGH AND INCLUDING D-4 ATTACHED  
20 THERETO, ADMITTED INTO EVIDENCE.)

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1 JUDGE STORMS: Mr. Polk?

2 MR. POLK: Thank you, Your Honor.

3 On behalf of Residential Customers, we would  
4 offer the testimony of Grant Smith marked as  
5 Residential Customers' Exhibit A, consisting  
6 of the direct testimony of Grant Smith,  
7 Exhibit GSS, with Attachments GSS-1, GSS-2 and  
8 GSS-3.

9 JUDGE STORMS: If there's no  
10 objections, we will admit Residential  
11 Customers' Exhibit A with all attachments  
12 thereto into this cause.

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14 (INTERVENOR'S - RESIDENTIAL  
15 CUSTOMERS EXHIBIT NO. A, BEING THE  
16 PREFILED DIRECT TESTIMONY OF MR.  
17 GRANT S. SMITH, WITH INTERVENOR'S  
18 EXHIBIT NOS. GSS-1 THROUGH AND  
19 INCLUDING GSS-3 ATTACHED THERETO,  
20 ADMITTED INTO EVIDENCE.)

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1 JUDGE STORMS: Mr. Endris?

2 MR. ENDRIS: Thank you, Your  
3 Honor.

4 Public offers what's been marked  
5 as Public's Exhibit No. 1, the verified  
6 prefiled testimony of Wes. R. Blakley, and  
7 Exhibit WRB-1 attached thereto.

8 JUDGE STORMS: If there's no  
9 objection, we'll show Public's 1 with all  
10 attached exhibits admitted into this cause.

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12 (PUBLIC'S EXHIBIT NO. 1, BEING THE  
13 PREFILED DIRECT TESTIMONY OF MR.  
14 WES R. BLAKLEY, ADMITTED INTO  
15 EVIDENCE.)

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1 IGCC2. We appreciate that. It makes the job  
2 of oversight easier if we have the  
3 information.

4 Having said that, I, for one,  
5 remain extremely concerned about several  
6 issues that I'd like you to expound upon for  
7 us this morning.

8 A Okay.

9 Q Chief among them is the status of the  
10 integrated schedule, and when do we anticipate  
11 having that fully completed?

12 A As I tried to indicate in our testimony, you  
13 know, it's been our position that we've always  
14 had an integrated schedule. People could  
15 debate what the quality of that was, and  
16 apparently some people did question whether we  
17 had one of the quality that we should have or  
18 not.

19 We believe that we have continued  
20 to develop that to the stage where it is as  
21 good as it can be, and, in our minds, you  
22 know, we began that process of accelerating  
23 the improvement of that schedule in April, and  
24 we've continued it, and we will continue to  
25 improve the quality of that schedule, but as

1       we sit right now, I would say it's as good a  
2       product as we can possibly make it to be as we  
3       sit here right today.

4                       So, in my rebuttal testimony, the  
5       information that is included there about the  
6       schedule is as accurate as it can be and is  
7       coming from as high a quality a schedule as  
8       can be produced. So, in our minds, we're  
9       100 percent there with the schedule.

10    Q   Well, and I understand that, and I appreciate  
11       the fact that this is a dynamic, constantly  
12       changing process in a project of this  
13       magnitude --

14    A   Right.

15    Q   -- but we're a year-plus into this project  
16       after approval, and we're still tinkering with  
17       the in-service date, among other things, for  
18       example, and I believe in other hearings, and  
19       correct me if I'm wrong, you admitted that  
20       this process should have been completed much  
21       earlier than it has been, even if you maintain  
22       today that it is substantially done.

23    A   You know, the way I would describe it,  
24       Commissioner, is that there is always some  
25       part of the project or maybe many parts of the

1 project that I want to make improvements on in  
2 the way that we're managing the project and  
3 the results that we're getting and so forth.  
4 So, the schedule has been at various times on  
5 that radar screen of mine of things I want to  
6 make improvements in. I would say right now,  
7 it's very low on my priority list in terms of  
8 improvements because it's a high quality  
9 product right now.

10 I don't believe we are making  
11 changes to the in-service date. What we're  
12 doing is reporting to the Commission in  
13 testimony and through oversight by the staff  
14 and others, we're reporting what the current  
15 status of it is. That tool -- every week,  
16 that in-service date is likely to change. It  
17 may be -- for instance, in my rebuttal  
18 testimony, it shows a predicted date right now  
19 of July 3 of 2012 as the predicted date of  
20 in-service according to the schedule. That  
21 was true when I wrote that testimony and filed  
22 it a week-and-a-half ago.

23 As I sit here today, the current  
24 schedule update that came out two days ago  
25 would have an in-service date of July 8th, so

1       some slippage has happened; a problem has  
2       happened, and we will constantly be updating  
3       those. The path of the -- the critical path,  
4       which is causing us to have a July 8th date  
5       predicted right now, we believe that we have  
6       several ways to shorten that path, and I could  
7       go into the technical description of that, but  
8       it has to do with when do we need the --  
9       actually to have gasification. Do we need to  
10      have syngas coming from the gasifier? Do we  
11      need to have it before we fire the gas turbine  
12      to test the gas turbines, or can we test the  
13      gas turbines on natural gas and be further  
14      along with that activity before we need  
15      actually syngas out of the gasifier. We  
16      believe that that is the case. The current  
17      schedule has those two activities linked  
18      end-to-end. If we can uncouple that so that  
19      we're able to test the gas turbine before we  
20      need -- are producing syngas out of the  
21      gasifier, then that July 8th date -- that path  
22      will shorten by two months, and we'll be  
23      looking at a predicted in-service date of the  
24      third week of June. Then we will begin to  
25      attack what's causing that to be a problem.

1       Then we'll begin to develop work-arounds and  
2       short -- ways to shorten that schedule.

3               So, every week when we update the  
4       schedule, the schedule will be predicting a  
5       different date. We don't take that as the  
6       gospel. Our date is still -- June 1 is the  
7       target; June 1 of 2012 is the target we're  
8       shooting for, and we're constantly changing  
9       the schedule and shortening and finding  
10      creative ways to do things to pull that  
11      schedule back, but we want to be honest and  
12      report that July 8th, for instance, as I sit  
13      here today, is the date that our schedule  
14      predicts. If everything happens exactly like  
15      the schedule is written, it would be a July  
16      8th date.

17   Q   Well, and perhaps I wasn't specific enough  
18        when I talked about the schedule. I  
19        understand you maintain it; you've always had  
20        a schedule, but I believe you've -- we haven't  
21        had an integrated schedule --

22   A   We've always had what I consider to be an  
23        integrated schedule; it may not be -- it may  
24        not meet other people's definitions.

25   Q   Well, what do you define as an integrated

1       schedule?

2    A   A schedule where all the parts of the project  
3       have -- are put into the schedule and are  
4       linked together, you know, the engineering  
5       activities, the procurement activities, the  
6       construction activities, the start-up and  
7       commissioning activities from all of the  
8       parties, GE, Bechtel, all of the contractors  
9       and so forth. I think we've always had that.

10                It's just that, you know, you  
11       can't develop the schedule -- you can't have  
12       20 people in a room developing the whole  
13       schedule all at once. So, you have a team  
14       working on parts. For instance, the  
15       commissioning part of the schedule, there's a  
16       team working on a separate commissioning  
17       schedule, and then you determine which pieces  
18       of that link to the main schedule, and you  
19       integrate that commissioning schedule, which  
20       may in itself be 1,000 activities, into the  
21       main schedule. So, in the main schedule,  
22       we've always had some commissioning  
23       activities; maybe we have 100 commissioning  
24       activities which represent the framework of a  
25       commissioning plan.

1                   Meanwhile, you have a whole  
2       separate team off to the side developing a  
3       more detailed and elaborate plan, and when  
4       they're done, then you integrate that into the  
5       overall schedule in place of the 100  
6       activities you have as a placeholder. So, if  
7       someone looked at that and said you only have  
8       100 commissioning activities in your schedule  
9       right now, and I know that there's 1,000  
10      activities scheduled sitting off to the side  
11      that's not integrated, I would say yes, but  
12      that doesn't mean I don't have an integrated  
13      schedule. It means I don't have as fully an  
14      integrated schedule as I am going to have once  
15      this team finishes doing their work, but we  
16      always have had some commissioning activities  
17      in the schedule. That's the example of how  
18      different people could have a different  
19      opinion on whether it's fully integrated or  
20      integrated or --

21    Q   Well, and I'm not trying to argue semantics  
22          with you, but my understanding was until very  
23          recently, Bechtel had its own schedule, GE had  
24          its own schedule, Duke had its own schedule,  
25          and that those, up to a certain point, had not

1       been integrated yet.

2    A   I think that's an inaccurate characterization.

3       I would not agree with that characterization.

4                   We've always had that kind of an  
5   integration schedule. Bechtel does still have  
6   its own schedule. GE still has its own  
7   schedule, and, in fact, they do at the monthly  
8   meetings hand out their own schedule, which is  
9   what we would call a fragment or a portion of  
10   the overall project schedule.

11                   Now, the two need to match, and  
12   they don't in all respects because GE needs to  
13   have a schedule which works for their own  
14   purposes. As an example, GE wants to have  
15   their scheduled activities linked to their  
16   contractual commitment dates to us, so if they  
17   have a date in their contract to deliver a gas  
18   turbine on, let's say, March 1st of 2011, and  
19   they're running late towards that date, they  
20   might show a negative ten days afloat in the  
21   delivery of that turbine. We may not need  
22   that turbine -- even though it's in their  
23   contract to deliver it March 1st, we may not  
24   need it until June 1st, so our schedule would  
25   not show any kind of a negative impact from



1       that turbine being ten days late, but GE's  
2       schedule would because they want to use that  
3       schedule to drive their own people towards --  
4       and motivate their own people to, you know,  
5       hey, get back on track; work harder to meet  
6       our contractual commitments. So, because each  
7       party has a different purpose for their  
8       schedule, they may not match exactly, but they  
9       integrate well. So, we've always had an  
10      integrated schedule in my estimation.

11    Q   Well, what is the -- I know recently in April  
12       of this year that a Bechtel employee became  
13       scheduling manager.

14    A   Yes.

15    Q   I mean, what was the reason for that?

16    A   Well, what I think would be a fair  
17       characterization, just to make sure we can  
18       find some common ground here, is that our  
19       schedule hasn't been of the quality that we  
20       wanted it to be. I think it was integrated; I  
21       think it was useful; it was a tool that we  
22       could use and so forth. It wasn't of the  
23       quality we wanted it to be. We weren't  
24       progressing as fast as --

25    Q   Well, forgive me for interrupting --

1 A No, I'm sorry.

2 Q Explain to me --

3 A Yes.

4 Q -- what you mean by not the quality you  
5 expected.

6 A You know, we had these placeholder sections in  
7 there so that in an area like I was talking  
8 about, commissioning, maybe we had 100  
9 activity placeholders instead of the full  
10 1,000 activities. In terms of constructing  
11 various areas of the project, maybe the power  
12 block, we had a sequence of activities, 30,  
13 40, 50 activities, which represented the  
14 framework for how we wanted to construct that  
15 but not as much detail as we needed.

16 We should have been, in an earlier  
17 time frame, developing those details just to  
18 make sure there was no gaps and problems in  
19 the schedule. So, we were not developing  
20 those details as rapidly as we wanted it to  
21 be, and it was because we had a staffing  
22 problem. We didn't have as many people as we  
23 needed on the staff. We thought we had  
24 enough; it turns out they weren't able to make  
25 the progress that we thought they could make,

1       so we brought in some -- a bunch of extra  
2       folks. At that time, we probably had four  
3       schedulers; in April, we brought in a new  
4       scheduling manager, someone who had experience  
5       at managing billion dollar schedules and  
6       managing large scheduling staffs, and we added  
7       three more schedulers. So, we now have eight  
8       people in that scheduling department, and  
9       we've -- since April, we have made the  
10      progress that we should have been making on  
11      developing the details of the schedule.

12               Now what that has shown is that  
13      there was no problems; we haven't discovered  
14      any unexpected surprises. In fact, we found  
15      things in creative ways to shorten the problem  
16      issues, so that's been a good thing.

17   Q   But the lack of detail makes it difficult to  
18        predict such things as procurement and the  
19        timing of stuff.

20   A   It can be. The way we got around that was  
21        basically just assuming that everything was  
22        critical. So, you know, what the schedule is  
23        ideally designed to tell you is where are your  
24        priorities that you need to work. If I need  
25        to procure 100 items, the schedule -- an ideal

1       schedule can tell you that, really, it's only  
2       these ten that are critical. Since we didn't  
3       have as much detail in our schedule as we  
4       might have wanted to have, you know, we just  
5       treated everything as critical, and we ordered  
6       everything as fast as we could, and so really,  
7       you know, there has been no harm from the  
8       schedule and having what some might perceive  
9       as a lack of detail.

10    Q   How is the Commission going to be able to  
11       track critical paths using this schedule for  
12       the -- in the future? We cannot monitor the  
13       progress unless we have a master schedule,  
14       integrated schedule, however you want to put  
15       it, that is up to snuff, quite frankly, and by  
16       your own admission, it hadn't been up to  
17       snuff.

18    A   It hasn't been -- I think it's been adequate  
19       to the task, but it hasn't been as good as we  
20       want. That would be the way I would  
21       characterize it, but I'm not sure I fully  
22       understand your question.

23                    I mean, we have the schedule. We  
24       have -- we can produce any kind of reports  
25       anybody wants. In the exhibit for this IGCC3

1       hearing, we did provide not only the full  
2       schedule but the critical paths of the  
3       schedule, the top six critical paths, so we  
4       would continue to do that every filing, and  
5       so, I mean, that's something that we have the  
6       ability to do and we've always had the ability  
7       to do.

8     Q   But I was under the impression that there were  
9       some problems with the software that you were  
10      using to integrate the divergent schedules.

11    A   If that's the case, I'm not aware of that, no.  
12       We did change softwares in March. We upgraded  
13       to the next version of the same software we  
14       were always using.

15    Q   And that's producing no problems that you're  
16       aware of?

17    A   Not that I'm aware of. You know, I'm not  
18       aware of any problems with software.

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1     **QUESTIONS OF MR. W. MICHAEL WOMACK,**

2             **BY JUDGE STORMS:**

3     Q   Mr. Womack, I guess I'm -- I just wanted to  
4         ask you -- I mean, as far as your schedule  
5         goes, and we've been back and forth, you do  
6         have a completed schedule that you feel  
7         confident is done at this point, because I got  
8         the sense from the testimony, I believe, that  
9         it was being updated and not quite finished,  
10        and it was going to be finished, and is it  
11        finished at this point, or --

12    A   Finished is --

13    Q   Tell me what that means.

14    A   I just don't even -- I don't relate to the  
15         word finished in --

16    Q   Okay. Well, tell me what that means, then.

17    A   -- this case.

18    Q   Tell me what -- tell me how -- I mean, is it  
19         85 percent? Is it 80 percent, or is it --

20    A   It's 100 percent --

21    Q   -- finished --

22    A   -- for today.

23    Q   Okay.

24    A   It's 100 percent finished for today. Now,  
25         next week, we will learn some new things which

1 will cause us to change it. So, it never is  
2 finished in that regard; it's a work in  
3 progress.

4 Q Okay. What are the deficiencies? Let's take  
5 it from that. What are the deficiencies that  
6 that the schedulers and different folks have  
7 addressed to get you to the point now where  
8 you believe it's finished? I'll let you  
9 describe how it's finished or not, but  
10 obviously, there were some deficiencies that  
11 they were addressing.

12 Are they all done with that, or is  
13 this going to be kind of a fluid process  
14 throughout the project?

15 A Yes. Let me think if I can think of a way  
16 that I would feel comfortable describing it.

17 Q Okay.

18 A It's like if you have -- this is probably  
19 going to be an extremely poor analogy, but I'm  
20 just trying to -- thinking on my feet here.  
21 You know, if you have a repetitive task to do,  
22 whether it's, you know, data entry of some  
23 kind, people bring you forms and you have to  
24 do data entry, you can fall behind on that  
25 task, and the backlog of items keeps building

1       if I fall behind on that data entry task, and  
2       so that's kind of the way our schedule was in  
3       the Fall of last year.

4                   In the Fall of last year, we had a  
5       good backbone and framework of a schedule. It  
6       needed to be progressed and updated  
7       continually as new data and new information  
8       was coming in, new design information, new  
9       procurement information and so forth. We  
10      weren't making those changes and integrations  
11      and scheduled improvements and developments  
12      using the new data as rapidly as we would have  
13      liked to have been making. So, that backlog  
14      of new information which needed to be  
15      integrated into the schedule was growing.

16                   The way I would characterize it  
17      now is our backlog is 100 percent cleaned up;  
18      there's no backlog pile. Now it's just a case  
19      of taking care of the new information that  
20      comes every day, the new data entry forms, the  
21      new information. So, we're not trying to  
22      catch up by integrating old data. We're  
23      100 percent caught up, and we're in the  
24      process of just maintaining it. Now, it's a  
25      huge task just to maintain, so that if we



1       said, oh, great, we're done and we took a  
2       vacation, then the backlog would begin to  
3       build again.

4                       So, I think I don't relate to the  
5       word finished, but I would say we're  
6       100 percent caught up with where we need to be  
7       to date, and we're ready to progress every day  
8       in a new manner.

9    Q   Okay. Let me ask you this, and maybe this is  
10       a better way to take it, and I think we're  
11       getting to where we need to be, perhaps, but  
12       in the 43114-IGCC2 Order that was issued on  
13       May 13, 2009, on the top of 15 -- and I'll  
14       just read -- on Page 15, I'll just read you  
15       part of this, and I'd like to just get your  
16       response to how this is working presently, but  
17       what it says is: "Without modifying the  
18       process outlined in Cause No. 43114 IGCC1, we  
19       note that in order to provide for effective  
20       ongoing review by the Commission, the template  
21       developed in response to the Commission's  
22       directive in Cause No. 43114 IGCC1, must begin  
23       with the presentation of an integrated  
24       reliable construction schedule for the  
25       Edwardsport IGCC Project. The integrated

1 construction schedule should then serve as the  
2 basis for the overlay of a critical path that  
3 includes the identification of all major  
4 milestones necessary to allow for ongoing  
5 review in every subsequent IGCC proceeding."

6 Are we there yet?

7 A Yes.

8 Q Is this responsive to this direction in this  
9 Order?

10 A Yes, I believe we're 100 percent responsive to  
11 that.

12 Q So, in the next proceeding, we should be able  
13 to see that obvious overlap that we can then  
14 utilize for tracking purposes and see anything  
15 that deviates from those critical paths.

16 A Yes.

17 Q Okay.

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1     **FURTHER QUESTIONS OF MR. W. MICHAEL WOMACK,**

2     **BY COMMISSIONER ZIEGNER:**

3     Q   And the Bechtel -- the gentleman from Bechtel  
4         who is the overall scheduling manager, all of  
5         the schedulers that you have on staff -- I  
6         forget how many you said you had.

7     A   We have seven plus him, so we have a staff of  
8         eight.

9     Q   They all report to him, and he --

10    A   Yes.  He is part of what we call our shared  
11         services organization.  It's an organization  
12         which provides scheduling advice and  
13         information to both the Bechtel managed piece  
14         of the project and the Duke managed piece of  
15         the project.

16                 As part of that shared services  
17         organization, he actually is considered,  
18         contractually-wise, a borrowed employee from  
19         Bechtel.  He happens to be a Bechtel employee,  
20         but he's working fully under Duke Energy's  
21         direction in providing services to all parties  
22         of the project, so that's his role, and all  
23         the project schedulers report to him, and he  
24         provides the fully integrated schedule for the  
25         entire project.

1   Q   While we're on the subject of scheduling, you  
2       identified five scheduling issues or potential  
3       issues:  The control system, raw water  
4       treatment, the steam turbine installation,  
5       grey water disposal and the gasification  
6       tower.

7                   I want to explore a little bit  
8       more on the grey water disposal in a minute,  
9       but do you -- what are we looking at as of  
10      this date in terms of maintaining the current  
11      schedule after having identified those five  
12      issues?

13   A   Well, that's an example of what I was talking  
14       about earlier of how you identify a critical  
15       path issue like that and then you begin to go  
16       to work on how to solve it.

17                   So, out of those five, all except  
18       the gasification tower are now off the  
19       critical path list.  They are all -- we have  
20       found ways to work around those issues.

21                   For instance, on the DCS system,  
22       we ended up buying some separate hardware that  
23       we could install in the field simultaneous to  
24       the time that GE was still doing testing of  
25       their facilities so that we didn't need to

1       have a complete -- the way it was originally  
2       scheduled was that GE had to test their  
3       control system design in the hardware that  
4       they had in a stage test in an office  
5       environment. Then they would -- once it was  
6       tested, they would bring that equipment to the  
7       field, and we would install it to begin  
8       operating the plant with. We needed some of  
9       that equipment delivered to help with our  
10      commissioning schedule before they finished  
11      testing it, so -- and the overlap was that it  
12      takes time when that equipment comes to the  
13      field, that physical hardware equipment, to  
14      install it and wire it up and so forth.

15               So, we bought some separate  
16      equipment to install in the field in parallel  
17      with GE completing their testing, and then  
18      when GE's testing is complete, we just do the  
19      software transfer into our equipment. That  
20      saves a couple of months of equipment  
21      installation time; it takes that off the  
22      critical path. So, we've done that with all  
23      five of those. The only one that still is on  
24      the critical path is the gasification tower,  
25      which is the sequence of activities which is

1       leading us currently to the July 8th predicted  
2       completion date.

3   Q   So, the gasification tower is still, in your  
4       mind, an issue?

5   A   It still is a critical path of the project  
6       right now, yes.

7   Q   In what sense? Tell me --

8   A   The only thing I was saying -- as I was saying  
9       earlier, what makes it be on the critical path  
10      is it takes a long time to build; it's the  
11      tallest -- it's a 300-foot structure; a lot of  
12      complicated equipment goes in there including  
13      the radiant syngas cooler, the gasifier, a  
14      bunch of other ancillary pumps and equipment  
15      that goes along with that, and then once you  
16      have that all installed, then you have to test  
17      it and get it to where it's functioning, and  
18      then once it's functioning, then you can do  
19      all of the planning and all of the testing and  
20      commissioning of the plant itself to lead to  
21      the in-service date.

22                   What's driving that whole chain of  
23      events to go past our current target date is  
24      the logic that we have to finish the  
25      gasification tower and actually be producing

1       synthetic gas before we can start testing the  
2       gas turbine equipment, and we are working with  
3       GE. We now believe that we could develop a  
4       plan to test the gas turbine equipment using  
5       natural gas rather than synthetic gas so that  
6       we could slide those activities back, overlap  
7       it with the gasification tower, and that will  
8       take the gasification tower off the critical  
9       path. So that is still one of the critical  
10      paths, but we're working on -- we have ideas  
11      on how to solve that problem.

12    Q   When do you anticipate resolving that?

13    A   I wouldn't be able to predict. You know, it's  
14       something we're currently working on. I would  
15       hope that within two weeks, four weeks, we  
16       will have a new sequence of activities there.

17    Q   With respect to the grey water disposal,  
18       that's -- I believe your testimony indicated  
19       that can be anywhere from 50 to \$100 million  
20       additional cost, and I understand that, but  
21       clarify for me, if you will, how that impacts  
22       the contingency fund and the -- there's two  
23       funds, I know, the contingency fund and the --

24    A   We do have a contingency fund and an  
25       escalation fund.

1 Q Escalation, thank you.

2 A Historically, we have had that. Since we're  
3 kind of coming to the end of the time when  
4 we -- purchasing is coming to an end, and  
5 escalation is becoming a moot point. We've  
6 really combined those funds into -- in effect,  
7 into an overall project contingency fund.

8 Q And how much money is left in that contingency  
9 fund as of this date?

10 A As of this date, officially in that  
11 contingency fund is \$140 million, roughly, so  
12 there's still a reasonably good-sized fund,  
13 but we have identified risks that potentially  
14 would go against that in the future.

15 Q How much do these risks, potential risks,  
16 count against that 140 million?

17 A That would be -- I'm trying to -- Let me think  
18 because I was just looking at this.

19 Those risks, which may or may not  
20 fully materialize -- because, you know, we're  
21 constantly trying to forecast -- look into the  
22 future and forecast where the costs might be  
23 going. Those risks may not fully materialize,  
24 but that would bring our available funds of  
25 contingency down to about \$35 million, so



1       about -- over \$100 million of risks have been  
2       identified that could lay claim to that 140  
3       that's left.

4   Q   And that's the grey water disposal and what  
5       else for the potential risk?

6   A   The list is too numerous to memorize. We  
7       have -- in our monthly reports, we have -- and  
8       I think in our filings, we submitted the list  
9       that was active at that time, but currently,  
10      it's probably 20 items.

11   Q   Let me approach it this way, and I probably  
12      did this inarticulately: How much -- what's  
13      the maximum you're anticipating for a hit  
14      against -- regarding the grey water disposal  
15      against the contingency fund?

16   A   Right now, we're predicting \$61 million.

17   Q   But yet you said in your testimony that that  
18      could climb to \$100 million.

19   A   If you read the original testimony, it does  
20      say 50 to 100. The rebuttal testimony, I kind  
21      of refined that down to 61, plus or minus  
22      15 percent, so plus or minus 13.5 million I  
23      think is a good range where we think we  
24      currently are. So, it could be as high as,  
25      let's say, 73 or four million, but it's -- I

1       don't think it's going to go that direction.

2   Q   If it does, for example, go to that 73

3       million, 74 million that you just identified,

4       counting the other 20-odd items you said were

5       potential hits on that, what would that leave

6       the contingency fund in --

7   A   If it went to the high end of that scale, it

8       could take another 13 million out of that 35

9       that we -- that would be remaining.

10  Q   So, the contingency fund is anywhere from 23

11       to 35 million left?

12  A   That certainly is a way to look at it.  It's

13       not quite that simple.  You know, what

14       we're -- I'm happy to elaborate if you want me

15       to, or you can just tell me to stop, but --

16  Q   Please elaborate.

17  A   We're constantly evaluating hundreds of risk

18       factors on this project, hundreds of things

19       where the costs could go up, could go down.

20       Mostly, unfortunately, the way the world works

21       is it could go up, so for every item of the

22       project or risk area, we are constantly trying

23       to evaluate what is our current thinking on

24       what -- the best guess of what the value is

25       going to be and then what the range is on

1       whether it's up or down from that that it  
2       could go, and so, you know, the probability  
3       tells you that everything surely won't cost on  
4       the high end of the scale, and everything  
5       won't come in -- you're not lucky enough for  
6       everything to come in on the low end of the  
7       scale.

8                       So, we're trying to use whatever  
9       tools we can; they're not perfect tools, but  
10      you can use what's called a Monte Carlo based  
11      probability analysis methodology of analyzing  
12      what is the range of possibilities given all  
13      of these factors, and the computer model just  
14      takes all of these different hundreds of  
15      factors and says let's do this project one  
16      time, and it randomly selects a cost from that  
17      range that you have identified, and then it  
18      does it again. It says let's build this  
19      project in the computer the second time, and  
20      it randomly picks different numbers, and so it  
21      builds the project maybe 10,000 times picking  
22      these numbers, and then it looks at what the  
23      final cost of the project is for each of those  
24      10,000, and it draws a probability curve.

25                      So, you know, to answer what is

1 the available contingency given the certain  
2 fact of -- it's a little bit -- it's not the  
3 complete picture. The way you stated it is  
4 correct. If we have 35 million, if we come in  
5 15 percent over on the grey water, we would be  
6 down to 20, but there could be other factors  
7 that would go in our favor, could be other  
8 factors that go even further off line than  
9 we're predicting. That grey water is just one  
10 of dozens and dozens and maybe even 100 risk  
11 factors that we're trying to track and predict  
12 costs on.

13 Q Should we be concerned -- should the  
14 Commission be concerned that it has the  
15 potential to go down to 20 million, the  
16 contingency fund?

17 A I think so, yes; I'm concerned. I'm concerned  
18 every day. I mean, I'm watching and  
19 monitoring and trying to control the costs,  
20 trying to figure out ways -- how can we give  
21 ourselves a higher probability of coming in on  
22 the low end of that range? So we're looking  
23 for ways to cut out scope on the project;  
24 we're looking for ways to find a more  
25 efficient way to combine the work. So, it's

1       a -- that's what we do every day. That's  
2       our -- you've just identified our primary  
3       mission. My primary purpose in life is to be  
4       concerned and figure out how to steer it in a  
5       better direction.

6   Q   But you maintain that we're still on track to  
7       keep it within the \$2.35 billion.

8   A   You know, the way I would characterize it is  
9       that there's a range, as we've talked about,  
10      with this -- as I just described, a range of  
11      possible outcomes for this job. \$2.35 billion  
12      is still well within that range of  
13      reasonableness.

14  Q   The other last area I wanted to talk to you  
15      about was -- and I will admit to you up front  
16      that I'm not an engineer, so you may have to  
17      educate me on this, but I find it a little  
18      unusual that the design work is still not near  
19      100 percent complete at this stage. Is that  
20      something that we should be concerned about?

21  A   Not concerned in the sense of anything being  
22      abnormal. It's normal to be where we are on  
23      the design work. You know, you would -- this  
24      is about where we always had planned to be.  
25      We always had planned to be 80 percent

1 complete at this stage, not 100 percent.

2           You should be concerned in the  
3 sense that you are concerned with everything  
4 else that we -- as we've just been talking,  
5 the further you get in the project, the more  
6 information you have about the design; the  
7 further along the design is, the more you are  
8 able to narrow the cost -- the range of  
9 possible cost outcomes for the project. So,  
10 finishing the design is an important factor in  
11 narrowing that range of outcomes, and as you  
12 get more information, you can develop better  
13 forecasts, but we are where we thought we'd be  
14 all along. We always thought we'd be -- you  
15 know, Bechtel fell a few percent behind.  
16 They're now, as of this moment, caught up with  
17 that, so this is right where we thought we'd  
18 be.

19 Q So, the fact that you -- I think you said in  
20 your testimony that you expect to be -- by the  
21 end of this year to have the design work  
22 90 percent complete. That's not unusual  
23 for --

24 A No, and part of it is -- you know, what's the  
25 definition of design work? Part of that last

1       5 or 7 percent really consists of what we  
2       would call field support because there's  
3       always -- as you begin to build something,  
4       there's always a question about, well, what is  
5       this drawing telling me, and so the  
6       contractors have to call the engineers and say  
7       explain this to me; I can't interpret this  
8       drawing accurately, and then the guy -- and  
9       then they can say, well, that means put two  
10      wires around and -- so there's always  
11      engineering hours and engineering work in  
12      support of the construction work, answering  
13      questions, making -- correcting any errors or  
14      conflicts. So, you're really not 100 percent  
15      done with engineering until you're nearly 100  
16      percent done with construction.

17    Q    So the fact that it's not 100 percent complete  
18          at this point is not because this is a  
19          different technology or --

20    A    No.

21    Q    Okay.

22    A    This is where we always had planned to be, and  
23          it's typical with a project like this.

24                      COMMISSIONER ZIEGNER: That's all  
25          I have. Thank you.

1     **FURTHER QUESTIONS OF MR. W. MICHAEL WOMACK,**

2     **BY JUDGE STORMS:**

3     Q   Mr. Womack, I have a couple of questions just  
4         about -- and it's on Page 4 of your rebuttal  
5         testimony. I don't know if you need to open  
6         that or not today, but we'll just go through  
7         it, but you talk about on Page 4 that certain  
8         construction bids are coming in higher than  
9         expected, and then you reference these  
10        packages that you've put together, and I was  
11        wondering if you could describe that process.

12                I'm particularly interested  
13        because I think it says here on the following  
14        page that "As part of the analysis we have  
15        conducted several working sessions with the  
16        Project leadership to identify areas of cost  
17        risk and to discuss ranges of possible  
18        outcomes. . .", and then it says by late  
19        August, you'll have proposals from contractors  
20        for many of the large remaining construction  
21        projects, and I just wondered -- I saw this  
22        was filed on August 14th. It's not much  
23        later, but I wondered if you had an update  
24        with respect to any of these issues because  
25        they do seem to present opportunities for cost



1 savings.

2 A No, no particular new updates. We did get one  
3 new bid in that did fall in line with where we  
4 thought it would be, which unfortunately is  
5 above our current budget, so we're seeing a  
6 pattern of these prices coming in above our  
7 budget, but it was not -- it was in line with  
8 where we had been forecasting it to be given  
9 the previous -- if that makes sense, you know,  
10 the previous -- so we -- our contingency  
11 analysis that we talked about -- within that  
12 contingency analysis or within that amount of  
13 remaining contingency, we have predicted an  
14 overrun on these future bids, so this one came  
15 in line with that. That's the only update I  
16 would have.

17 The work has been broken down by  
18 areas, bite-size pieces, that we can award to  
19 various contractors who have the capability,  
20 and we're trying to use as many regional  
21 contractors who have access to the  
22 high-quality labor and so forth, so that's  
23 what we're doing is we're collecting and  
24 evaluating those bids and awarding those  
25 packages, and there is some opportunity there.

1       It's going to be a lot dependent on the market  
2       conditions and availability of labor and the  
3       quality of the labor that we're going to be  
4       able to get, the quality of supervision that  
5       these contractors bring to the field, you  
6       know, the quality of the design that we've  
7       been able to produce, and some of that won't  
8       come to light -- you know, just like anything  
9       else, you don't always know -- it may look  
10      like on paper that you've got a good design  
11      quality, but when you start really having to  
12      build from that design is when you really find  
13      out how good it is. So, a lot of unknown  
14      factors that -- and risks ahead of us but also  
15      opportunity for some savings to do better than  
16      we forecasted.

17    Q   Okay, because in your testimony on 4, I mean,  
18       it says the prices of these -- the first few  
19       of these proposals were significantly above  
20       expectations. Is that something you're  
21       continuing to work on, or what is the status  
22       of that?

23    A   It is something that we're continuing to work  
24       on. We're trying to develop ways to shrink  
25       that. Unfortunately, a lot of the reason for

1       that has to do with these quantity increases  
2       that I also mentioned in there. There's just  
3       more things to build and more scope to build  
4       than we had originally anticipated.

5   Q   So it's not the package set-up, per se --

6   A   No.

7   Q   -- it's just everything that goes into that.

8       It's not a change --

9   A   No.

10   Q   -- it's not an increase because of a change in  
11       the approach to --

12   A   No.

13   Q   -- these area packages; it's just everything  
14       within those packages.

15   A   It's the things that are within the packages,  
16       exactly.

17               Now, we are trying to evaluate, as  
18       efficiently as possible, how we could tweak  
19       the way these things are packaged to improve  
20       slightly. There's probably not a big, giant  
21       opportunity there, but there is some.

22               As an example, there's seven, what  
23       we call, vertical packages -- Well, that's a  
24       long explanation, but we refer to them for  
25       shorthand in-house as vertical packages;

1       there's seven of those, and then there's four  
2       or five other kind of major packages that go  
3       along ancillary to that. We're looking at  
4       ways to make combinations of those that make  
5       sense to allow the contractor to reduce  
6       overheads. We very likely will end up instead  
7       of having -- you know, out of those ten or 11  
8       packages, we will end up with maybe three or  
9       four contractors rather than ten or 11  
10      contractors. So, by combining those, we  
11      reduce the possibility of interferences, and  
12      we give opportunities for them to reduce their  
13      overhead, eliminate duplicate support staff  
14      and so forth.

15    Q   Okay. How successful do you think you might  
16       be with that?

17    A   I think we're going to be pretty successful.  
18       I wouldn't want to predict fully here, but I  
19       know where we are on that, and I think we're  
20       going to be very successful.

21    Q   That just necessitates matching up the right  
22       contractors with the right part of the project  
23       to get savings that way.

24    A   Absolutely. Yes, it's a matter of trying to  
25       do really an evaluation of what skills and

1 capabilities each contractor is bringing to  
2 the table and which pieces of the work matches  
3 their capabilities the best and then which  
4 pieces of the work naturally -- because of  
5 physical location or type of work that it is  
6 are natural fits for each other.

7 Q Okay. So, I'm assuming you'll have an update  
8 for us at the next proceeding.

9 A I expect that we'll have most of this nailed  
10 down then.

11 Q Okay.

12

13

14 **FURTHER QUESTIONS OF MR. W. MICHAEL WOMACK,**

15 **BY COMMISSIONER ZIEGNER:**

16 Q Mr. Womack, Judge Storms referred you to Page  
17 4 of your rebuttal testimony, bottom of 4, top  
18 of 5, where you're talking about the  
19 contributing factors and the increase in  
20 scale.

21 A Yes.

22 Q I see 60 percent for the piping, 25 percent  
23 concrete, 25 percent manual valves and 25  
24 percent electrical cable as -- electrical, 10  
25 percent, excuse me, manual valves, 25 percent.

1       Those seem like fairly significant jumps to  
2       me. Why wasn't this anticipated? What was  
3       the cause of this not being anticipated?  
4   A   This is what we would -- and I think I  
5       referred, you know, briefly to it here in the  
6       following statements, but some of it is  
7       changes of scope, things that we felt like  
8       were needed to make the plant function  
9       properly that we had not identified in earlier  
10      parts of the -- in the studies, but most of it  
11      is what we in the industry call design  
12      development. It's where -- I'm trying to  
13      think of a good example.

14                   At the time we designed the  
15      project, you knew that you needed a pump, you  
16      know, a 200 horsepower pump right here at this  
17      spot to do something, so -- but you don't know  
18      at that time that you're studying this what  
19      pump you're going to buy yet, but you go out  
20      to look at vendor data, and all engineers have  
21      shelves full of manufacturers' vendor data.  
22      So, you pull out two or three different  
23      manufacturers' pumps, and you look and see if  
24      they have a pump in their product line which  
25      fits that purpose and say, okay, that's great,

1       and all three of those that you pulled out  
2       were -- weighed 80,000 pounds, so you use that  
3       80,000 pound number to design the foundation  
4       to support that pump.

5                   When you actually build the job  
6       and actually do the real job, now you go to  
7       the market to buy that pump. Maybe the one  
8       that provides the best performance and the  
9       best price weighs 100,000 pounds instead of 80  
10      like some of their competitors. So, now  
11      you've got to have a slightly bigger  
12      foundation, slightly bigger steel, and, you  
13      know, rebar in the foundation or slightly  
14      bigger steel that the pump sits on in order to  
15      support that steel because it weighs more than  
16      you guessed when you were doing the original  
17      design, you know, the original preliminary  
18      design.

19                   So, just multiply that times  
20      hundreds of decisions and thousands of design  
21      decisions throughout the plant, and basically,  
22      you end up with a -- the job just has what we  
23      call design growth. It's not a conscious  
24      change anybody's making; it's just that we now  
25      know that, gee, it's going to take more steel

1       than we thought to do that. It wasn't a  
2       conscious design change.

3               I think the uniqueness of this  
4       project has contributed to that and made it  
5       bigger than a typical project. This is kind  
6       of typical for a project, and that's one of  
7       the reasons you have project contingency, and  
8       you have what we call design allowance built  
9       into some of the quantities so that you  
10      might -- and your preliminary design might  
11      have -- the preliminary design -- the  
12      information that's on the drawings might show  
13      you 1,000 tons of steel, and you might decide  
14      to estimate it as if it was 1,100 tons of  
15      steel so that you have a little cushion for  
16      that growth allowance, and then on top of  
17      that, you might put the project contingency to  
18      cover some things.

19             So, every project has some of this  
20      design growth. I think ours is -- these  
21      numbers are higher than we would have  
22      certainly predicted or expected. If we had  
23      had any reason to think this would be this  
24      much, we would have had more contingency in  
25      the project, but I think that's due to the



1 uniqueness and unique nature of this project,  
2 the complexity of the project.

3 JUDGE STORMS: Commissioner  
4 Atterholt?

5 COMMISSIONER ATTERHOLT: Thank  
6 you.

7

8

9 **QUESTION OF MR. W. MICHAEL WOMACK,**

10 **BY COMMISSIONER ATTERHOLT:**

11 Q I just have one question.

12 As you interface with the  
13 community with respect to the construction,  
14 have you seen any unexpected benefits or  
15 problems that have arisen as a result of this  
16 massive construction project in the community?  
17 Is the cafe packed, or are there traffic  
18 issues or any problems with the local  
19 community?

20 A There are both benefits and problems. I think  
21 fortunately -- and I hope this will continue,  
22 fortunately, the community, as I can tell,  
23 still sees it as a net benefit. They still  
24 are happy to have us; there's a lot of good  
25 things going on in the community.

1                   There's a restaurant in Bicknell,  
2     as an example, that -- a family-owned Italian  
3     restaurant that was opening for dinner but  
4     only open for lunch one day a week until  
5     recently, and now they're open for lunch three  
6     days a week because, you know, there's a big  
7     demand, and every time I go down there to eat,  
8     it's -- three quarters of the room is filled  
9     with our project people. So, there are  
10    definitely a lot of benefits to the community.

11                  There are some problems; probably  
12    the biggest one that we have that we get  
13    called on is the traffic around the site. We  
14    have a lot of trucks, a lot of delivery  
15    trucks, a lot of construction traffic going in  
16    and out of the site. So, you know, as you all  
17    know, it's been an extremely wet and rainy  
18    Spring and Summer, and so there is  
19    occasionally mud tracked out onto the highway,  
20    and we have to get out and clean the mud, but  
21    sometimes we don't get it cleaned as fast as  
22    some of the local residents might like. So,  
23    we do occasionally have phone calls on that.  
24    Nothing -- so far, nothing that I didn't  
25    expect, so it's going well.

1                   COMMISSIONER ATTERHOLT: Thank  
2     you.

3                   JUDGE STORMS: I have one last  
4     question for you that occurred to me while I  
5     was listening to Commissioner Atterholt.

6

7     **FURTHER QUESTIONS OF MR. W. MICHAEL WOMACK,**  
8     **BY JUDGE STORMS:**

9     Q It's about this schedule again. You said  
10    you're done with it, and if you're done, is it  
11    possible to provide the completed schedule to  
12    the Commission?

13    A Absolutely, yes. No problem at all.

14    Q Okay. If that were a condition of this order,  
15    then that's something that can be provided as  
16    a complete document, and I understand your  
17    description of complete, but if it's compliant  
18    with this provision, that's something that  
19    could be provided to the Commission?

20    A Yes.

21                   JUDGE STORMS: Mr. Womack, thank  
22    you for your testimony. You are excused.

23

24                   (WITNESS W. MICHAEL WOMACK EXCUSED  
25                   ON DIRECT AND REBUTTAL)

1 JUDGE STORMS: Have the parties  
2 had a chance to talk about proposed orders, or  
3 do we have that built into the Prehearing  
4 Conference Order? I can't recall.

5 MR. DuMOND: Your Honor, that is  
6 built into the Prehearing Conference Order.

7 JUDGE STORMS: Okay. Do you know  
8 the dates off the top of your head, Mr.  
9 DuMond?

10 MR. DuMOND: Off the top of my  
11 head, I believe it's -- our proposed order is  
12 due September 15th or 16th, and I believe the  
13 OUCC and Intervenors are to respond with  
14 exceptions September 29th.

15 JUDGE STORMS: Okay. I will not  
16 hold you to that. Let me see what it says  
17 here. I'll look at it actually in the  
18 Prehearing Conference Order just to confirm  
19 here.

20 Petitioner may file proposed  
21 orders with the Commission on or before  
22 September 15th.

23 Exceptions to proposed orders may  
24 be filed with the Commission on or before  
25 September 29th.

1                   Reply or any exceptions on or  
2       before October 13, 2009.

3                   Okay. Is there anything further  
4       today?

5                   MR. DuMOND: Nothing from  
6       Petitioner, Your Honor.

7                   MR. POLK: No, Your Honor.

8                   MR. ENDRIS: Nothing from the  
9       Public, Your Honor.

10                  JUDGE STORMS: Okay. If there's  
11       nothing further, we're hereby adjourned.  
12       Thank you very much.

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25                   (HEARING ADJOURNED)

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