

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
OF THE STATE OF WYOMING

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DEPOSITION OF: MICHAEL SERGIO FOREMAN-FOWLER  
VOLUME I

EXAMINATION DATE: August 13, 2008

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IN THE MATTER OF: )  
)Docket No. 07-2801  
BASIN ELECTRIC POWER )Presiding Officer,  
COOPERATIVE, DRY FORK STATION,)F. David Searle  
AIR PERMIT CT-4631 )

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PURSUANT TO NOTICE, Volume I of the  
deposition of MICHAEL SERGIO FOREMAN-FOWLER was  
taken at 3:52 p.m., on August 13, 2008, at  
555 Seventeenth Street, Suite 3200, Denver,  
Colorado 80202, before Patricia S. Newton,  
Registered Professional Reporter and Notary  
Public in and for the State of Colorado, said  
deposition being taken pursuant to the Wyoming  
Rules of Civil Procedure.

Patricia S. Newton  
Registered Professional Reporter

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Also Present: Stephen D. Jenkins

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I N D E X

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I N D E X O F E X H I B I T S

DEPOSITION PAGE FIRST  
EXHIBIT NO. DESCRIPTION APPEARS

1	Undated document titled "Jenkins Report and Jenkins Exhibit 1"	14
4	4/29/08 Expert Report by Mike Fowler	5
5	7/1/08 Response to Statement of Stephen D. Jenkins by Mike Fowler	5
6	Graph for Teco Energy Polk Unit No. 1	12
7	Two-page color document, first page titled "Magnum, The new Nuon IGCC power plant"	21
8	Chart titled "IGCC Puertollano Plant"	37
9	January-February 2006 article in Gas Turbine World titled "Refinery IGCC plants are exceeding 90% capacity factor after 3 years"	44
10	Two-page document titled "IGCC and PC Major Equipment List" (Exhibits 1 was marked during Mr. Jenkins' deposition.) (Original exhibits are attached.)	76

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

2 MICHAEL SERGIO FOREMAN-FOWLER

3 The deponent herein, being first duly  
4 sworn to testify to the truth in the above cause,  
5 was examined and testified on his oath as  
6 follows:

7 E X A M I N A T I O N

8 BY MR. RUPPERT:

9 Q Can you please state your full  
10 name and your address.

11 A Michael Sergio Foreman-Fowler --  
12 Foreman-Fowler is hyphenated -- 58 Norris,  
13 N-o-r-r-i-s, Street, Cambridge, Massachusetts  
14 02140.

15 Q And, Mr. Fowler, you're here  
16 today pursuant to a deposition notice, correct?

17 A That's correct. A deposition  
18 notice, I don't know. I've discussed it with the  
19 attorneys, my appearance here today.

20 Q And have you ever given a  
21 deposition before?

22 A Not to defend an expert report.

23 Q I'm not going to go through all  
24 the ground rules. You heard your counsel talk to  
25 Mr. Jenkins about the ground rules. The one I

1 not coming to mind. These are the ones I've --  
2 I've read about, that I know more about.

3 Q All right. I don't know if you  
4 heard Mr. Jenkins testify earlier today that  
5 based on what's available in terms of turbine  
6 sizes that are on syngas, that you can't put  
7 together a 385-megawatt IGCC plant.

8 Did you hear that?

9 A I didn't hear him say that, no.

10 Q Okay. But assume that he did  
11 testify to that, would you agree with that?

12 A That you can't put together a  
13 385-watt IGCC plant?

14 Q Right.

15 A That's not consistent with what  
16 I've heard from -- from people in the industry.

17 Q What have you heard that's  
18 contrary to that, and from whom?

19 A I spoke with Phil Amick, Conoco-  
20 Phillips. I described to him a 385-megawatt  
21 plant on -- IGCC, obviously -- on subbituminous  
22 coal at elevation. And he said we could -- we  
23 could put something together for 385. It would  
24 probably be based on a big combustion turbine and  
25 quite a bit of duct-firing of syngas.

1 Q When was that conversation?

2 A A month ago, perhaps.

3 Q And he's at ConocoPhillips?

4 A Yeah.

5 Q And do you have anything in  
6 writing to confirm that? An e-mail?

7 A No.

8 Q Notes?

9 A I do have notes.

10 Q Are they in this box?

11 A No.

12 Q Could we get a copy of those  
13 notes?

14 Did you rely on those notes for your  
15 opinion you just expressed?

16 A I relied on the conversation.

17 Q Which you memorialized in the  
18 notes?

19 A I'd have to see exactly what I  
20 have in my notes. I don't recall exactly what I  
21 have in my notes.

22 Q But you do have some notes on  
23 this?

24 A Yes.

25 MR. RUPPERT: We'd ask for a copy

1 of those.

2 MR. ANGELL: I'll talk to him  
3 about it.

4 Q (BY MR. RUPPERT) Okay. You  
5 mentioned conversations with people earlier.  
6 Anybody else besides Phil Amick?

7 A Who I spoke to about . . .

8 Q About whether or not --  
9 I asked you if you agreed with  
10 Mr. Jenkins that you couldn't, even if you wanted  
11 to, put together a 385-megawatt IGCC plant.

12 A Uh-huh.

13 Q I didn't say anything about  
14 subbituminous coal or altitude, just the size of  
15 385 megawatt; and you say you disagree with his  
16 conclusion that that's not doable. Then you  
17 cited Phil Amick.

18 A Right.

19 Q So my question is: Anybody else?

20 A Oh, yes. I spoke with Harry  
21 Morehead at Siemens.

22 Q When was that?

23 A I'd have to check my notes. I  
24 believe it was -- it was not as long ago. Two  
25 weeks ago, perhaps.

1           Q       Did you speak with Phil Amick  
2 before your response report to Mr. Jenkins?

3           A       I did.

4           Q       Is that referenced anywhere in  
5 your report?

6           A       No.

7           Q       Why not?

8           A       I would like to, to the extent  
9 possible, not draw ConocoPhillips into a  
10 discussion on this through me. You know, clearly  
11 we -- that -- that ship has sailed, as they say,  
12 but . . .

13          Q       I think it's way out at sea.

14          A       I didn't want to drag them into  
15 the process through my report.

16          Q       Did you feel that was important  
17 information that you received from Phil Amick?

18          A       It -- it confirmed for me that --  
19 my sense that there are technology vendors out  
20 there who are willing to work with customers to  
21 design tailored plant that work for -- for their  
22 customers, and that the -- although GE has  
23 proposed its reference plant, that there are a  
24 number of different size turbines, as -- as we  
25 discussed, different size gasifiers, and that



1       there are firms who are -- who are ready to talk  
2       to customers about how they could put together a  
3       -- a project that will work.

4               Q       So you thought it was important  
5       information?

6               A       It confirmed my sense.

7               Q       Can you answer that question?

8               A       Did I think it was important  
9       information? I did consider it important, yes.

10              Q       Did Mr. Amick ask you not to put  
11       that in your report or not put that information  
12       in the public domain?

13              A       No.

14              Q       Why did you feel like you  
15       shouldn't?

16              I take it you took that on yourself.

17              A       I did.

18              Q       Why?

19              A       That's a difficult question to  
20       answer, obviously. I felt the -- the purpose of  
21       my report was to -- was to outline or describe  
22       that these things were -- in the particular part  
23       we're talking about, these things -- such a plant  
24       is, you know, commercially available.

25              The details of -- of how it would be