

1 BEFORE THE ARIZONA POWER PLANT LS-271

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION) DOCKET NO.
 OF ARIZONA PUBLIC SERVICE) L-00000D-23-0011-
 5 COMPANY, IN CONFORMANCE WITH THE) 00214
 REQUIREMENTS OF ARIZONA REVISED)
 6 STATUTES 40-360, ET SEQ., FOR A) LS CASE NO. 214
 CERTIFICATE OF ENVIRONMENTAL)
 7 COMPATIBILITY AUTHORIZING)
 CONSTRUCTION OF AN APPROXIMATELY)
 8 0.6 MILE 500 KILOVOLT (KV))
 INTERCONNECTION TRANSMISSION)
 9 LINE AND AMENDING CEC 135 TO)
 AUTHORIZE USE OF A NEW)
 10 TRANSMISSION STRUCTURE TYPE THAT)
 WILL CONNECT THE PROVING GROUND)
 11 SOLAR+STORAGE PROJECT TO THE)
 HOODOO WASH SWITCHYARD LOCATED)
 12 NEAR DATELAND, ARIZONA WITHIN)
 UNINCORPORATED YUMA COUNTY,)
 13 ARIZONA.) PREFILING
) CONFERENCE

14

15

16 At: Phoenix, Arizona

17 Date: December 20, 2022

18 Filed: January 12, 2023

19

REPORTER'S TRANSCRIPT OF PROCEEDINGS

20

21

22 GLENNIE REPORTING SERVICES, LLC
 Court Reporting, Video & Videoconferencing
 23 1555 East Orangewood Avenue, Phoenix, AZ 85020
 602.266.6535 admin@glennie-reporting.com

24

25 By: MICHELE E. BALMER, RPR
 Arizona CR No. 50489

1 INDEX TO EXHIBITS MARKED

| 2 NO. | DESCRIPTION | IDENTIFIED |
|-------------|--|------------|
| 3 Exhibit 1 | Project Overview Map | 7 |
| 4 Exhibit 2 | Study and Notification Area Map | 7 |
| 5 Exhibit 3 | Notice of Hearing sign Location Map | 7 |

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, commencing at 3:04 p.m. on the 20th day of
5 December, 2022, with all participants appearing via
6 videoconference.

7

8 BEFORE: PAUL A. KATZ, Chairman

9

10 APPEARANCES:

11 For the Applicant:

12 SNELL & WILMER
13 By: Matt Derstine
14 One East Washington Street, Suite 2700
15 Phoenix, Arizona 84004

16 - and _

17 PINNACLE WEST CAPITAL CORPORATION
18 By: Linda J. Benally, Senior Attorney
19 400 North 5th Street, MS 8695
20 Phoenix, Arizona 85004

21

22 ALSO PRESENT:

23 Jason Spitzkoff, Arizona Public Service Company
24 Anna Chaulk, Arizona Public Service Company
25 Garrett Lehman, Strata Solar
Collin Ramsey, Strata Solar
Dean Hazle, SWCA Environmental Consultants
Jill Grams, SWCA Environmental Consultants
Tod Brewer, Assistant to Chairman Katz
Gourjia Odisho, Paralegal for Matt Derstine
Lisa Glennie, Glennie Reporting Services
Marta Hetzer, Glennie Reporting Services

1 (Chairman Katz not present.)

2 MR. BREWER: If we could, just for the court
3 reporter, if we could just go through and have everybody
4 announce their name and affiliation. I see there's a
5 phone number on here also. We need to identify them
6 too, please.

7 MR. DERSTINE: Okay. I'll start. Matt
8 Derstine, Snell & Wilmer, appearing on behalf of the
9 Applicant, Arizona Public Service Company.

10 MS. BENALLY: Linda Benally, counsel appearing
11 on behalf of APS.

12 MR. LEHMAN: Garrett Lehman representing --
13 with Strata Solar and appearing on behalf of APS.

14 MR. SPITZKOFF: Jason Spitzkoff with APS.

15 MR. RAMSEY: I'll go. Collin Ramsey. I'm with
16 Strata Solar on behalf of APS.

17 MR. HAZLE: My name is Dean Hazle. I'm with
18 SWCA Environmental Consultants. I'm the environmental
19 consultant for the CEC application.

20 MS. ODISHO: Gourjia Odisho with Snell &
21 Wilmer. I'm Matt's paralegal.

22 MS. GRAMS: Hi. This is Jill Grams, and I am
23 also with SWCA Environmental Consultants.

24 MR. BREWER: And then, Anna, I think you're the
25 last one.

1 MS. BENALLY: She may be having audio issues.
2 We have Anna Chalk, C-H-A-U-L-K. She's here with APS
3 from the regulatory department. Thank you.

4 MS. CHALK: I just figured out my audio issues.
5 I was having audio issues. Hi everybody.

6 (A brief recess was taken.)

7 (Chairman Katz joined the videoconference.)

8 CHAIRMAN KATZ: This is the prefiling
9 conference for the Strata Proving Ground Project, which
10 will likely be CEC No. 214. Our court reporter is
11 present, and I would ask Counsel, who has already
12 entered his appearance, if he would, to please identify
13 himself again for the record.

14 And I believe -- go ahead, Mr. Derstine.

15 MR. DERSTINE: Yeah. It's Matt Derstine with
16 Snell & Wilmer appearing on behalf of Arizona Public
17 Service Company.

18 CHAIRMAN KATZ: And I believe Linda Benally is
19 also appearing. She is a representative of Arizona
20 Public Service, one of their legal attorneys.

21 MS. BENALLY: Correct.

22 CHAIRMAN KATZ: And everyone else has been
23 identified. And I need to change the view here. There
24 we go. Now I feel more comfortable.

25 And do we have any possible intervenors in this

1 matter?

2 MR. DERSTINE: No. We aren't aware of any
3 potential intervenors at this time.

4 CHAIRMAN KATZ: Okay. And has anybody
5 expressed any public interest? Any members of the
6 public or any governmental entities outside of the
7 Corporation Commission? Has anybody specifically been
8 in support of or against this project that you are aware
9 of?

10 MR. DERSTINE: Well, I think there is some
11 support for the project, but no -- we've had very little
12 interest from the public.

13 I think we had previously sent over to the
14 court reporter, we've got a couple slides that show the
15 general location. I don't need to pull those up now.

16 I was just going to indicate that the project
17 is pretty far away from Yuma, and as well as some
18 distance from Gila Bend, and so it's not in proximity to
19 any sort of residential or commercial developments or
20 operations. And so it's a good location for a solar
21 project but doesn't create a lot of interest from the
22 public.

23 CHAIRMAN KATZ: And we'll get into specifics
24 later, but I'm assuming that any interested parties and
25 all of the surrounding neighbors have been advised,

1 either through publication, the notice of hearing that
2 will be sent out, but anybody that might express an
3 interest in this matter so far were told that they could
4 appear in person or by telephone; correct, Counsel?

5 MR. DERSTINE: Yeah. If there was anyone who
6 had expressed an interest, we would have given them
7 notice. We haven't notified any because I'm not aware
8 of interest at that level.

9 But certainly the landowners surrounding the
10 project, going out some distance, have received notice
11 of the project through newsletters and mailings, as well
12 as our social media outreach. So if folks had an
13 interest, they haven't expressed it.

14 CHAIRMAN KATZ: That's fine.

15 And I just would note that I have what I'll
16 call prefiling Exhibit 1, which is a map of the Strata
17 Proving Ground. And that's the adjacent facility; is
18 that correct? The Strata Proving Ground? I don't know.
19 The map -- I have a color map, and it shows Agua
20 Caliente Solar Project, and that I had as Exhibit 1.

21 Exhibit 2 was showing the overall surrounding
22 or interested community location, the radius surrounding
23 where this facility will be built.

24 And the last one, I believe, shows where signs
25 were posted. That would be prefiling Exhibit 3.

1 MR. DERSTINE: Those sound right, although the
2 Agua Caliente sounds -- I'm concerned about that.

3 Is that the right name on that, Dean?
4 Mr. Hazle?

5 MR. HAZLE: Yeah. The prefiling exhibits that
6 Chairman Katz referred to do label the Agua Caliente
7 project just as an adjacent facility, but that is not
8 affiliated with the instant case.

9 CHAIRMAN KATZ: And I do understand that, but
10 that was at the top of it.

11 I have the three exhibits. One is a general
12 overview of the project. The other also shows the
13 location. And I don't know how to project my exhibits
14 or share my exhibits with you or not.

15 MR. DERSTINE: We're happy to share the -- I
16 think Mr. Hazle can probably share his screen and share
17 the first exhibit.

18 So the solar project that will be
19 interconnected through this gen-tie line is the proving
20 ground solar project. And --

21 CHAIRMAN KATZ: And I had this -- maybe I'm
22 wrong, but I had this marked -- this map I do have, and
23 I show that as marked as Exhibit No. 3.

24 MR. DERSTINE: I think that's right.

25 This map also shows our sign location.

1 CHAIRMAN KATZ: Right.

2 MR. DERSTINE: So I'm fine staying on this map
3 for now. It shows you where the solar project is. I
4 think Mr. Hazle just outlined it there in black.

5 CHAIRMAN KATZ: Right.

6 MR. DERSTINE: And then it shows our proposed
7 sign locations. As I mentioned, we're pretty far away
8 from any major roads, so we've got three signs within
9 the project area in proximity where the gen-tie line
10 will be, and then we placed one at an exit -- at the
11 Dateland exit off of I-8. That's the closest major
12 interchange to the generation project, as well as the
13 gen-tie line.

14 CHAIRMAN KATZ: Sounds good.

15 Anyhow, I feel comfortable in knowing where the
16 project is going to be located.

17 And moving on, I trust that you will provide us
18 with a draft notice of hearing in Word, to be e-mailed
19 to us at least prior to the prehearing conference. And
20 I trust that that can be fairly easily accomplished;
21 correct, Counsel?

22 MR. DERSTINE: Yes. I think we have sent over
23 a Word version of the notice of hearing to Mr. Brewer.
24 And so we'll confirm that he does have it, but you do
25 have a draft.

1 CHAIRMAN KATZ: Is that correct, Tod?

2 MR. BREWER: Yes, Mr. Chairman. I do have
3 that. Thank you.

4 CHAIRMAN KATZ: Thank you.

5 And where are you going to be publishing notice
6 of our hearing?

7 MR. DERSTINE: So we're going to publish two
8 notices in the Yuma Sun, which is a daily newspaper out
9 of Yuma and seems to be the primary publication for that
10 area.

11 And we had explored whether there was other
12 either, you know, editions of the Yuma Sun or other
13 newspapers in the area where we can publish the notice
14 of hearing. I think we're still tracking down to see
15 whether there's a suitable secondary publication, but
16 certainly our primary publication will be in the Yuma
17 Sun.

18 CHAIRMAN KATZ: Sounds good.

19 And who are the affected jurisdictions, and
20 have they already been given notice or will they be
21 given notice of these proceedings?

22 MR. DERSTINE: Yuma County is our affected
23 jurisdiction. And then, in addition, we intend to give
24 notice to ASLD and the Bureau of Land Management.
25 Certainly, through our outreach and engagement, as well

1 as aspects of project development, we have been in touch
2 with -- certainly with BLM. And ASLD has received
3 notice of our project, although they're some distance
4 away from the actual transmission line.

5 CHAIRMAN KATZ: And are any -- is this project
6 going entirely on county land or does it also run
7 through State Trust lands and private property?

8 MR. DERSTINE: To my knowledge, it does not
9 cross State Trust land. I'll have someone on the team
10 correct me if I'm wrong.

11 But we do touch upon BLM land. Do I have that
12 right, Dean?

13 MR. HAZLE: Yeah, that's correct. For the
14 jurisdictional portion of the line, which is just the
15 500kV section, about half of it is on BLM land and about
16 half is on privately owned land.

17 CHAIRMAN KATZ: Is any of it on county land or
18 not?

19 MR. HAZLE: No, not -- I mean, it's within
20 unincorporated Yuma County, but none of the land is
21 owned by the county.

22 CHAIRMAN KATZ: Okay. So the land is either
23 private or BLM.

24 MR. HAZLE: Yeah.

25 CHAIRMAN KATZ: And that being the case -- I

1 get to that later in my checklist here, but I'll ask the
2 question now. And that is, is any type of environmental
3 impact statement required because of BLM involvement, or
4 are they going through the simplified process of
5 permitting?

6 MR. DERSTINE: No. It did require a federal
7 NEPA process. We went through an EA process. That was
8 completed. But as there was a change in the design of
9 the -- the location of the final design of the
10 transmission line, we're going to go back and receive --
11 go through an adjustment or an amendment of the EA, but
12 we don't anticipate any issues with that. It's really a
13 minor change. We don't expect it changes the scoping or
14 impacts that process.

15 CHAIRMAN KATZ: And will this be held at -- was
16 that the Yuma Holiday Inn, or was that another matter
17 that we recently talked about?

18 MR. DERSTINE: Yeah. This will be at the Yuma
19 Four Points by Sheraton --

20 CHAIRMAN KATZ: Okay.

21 MR. DERSTINE: -- located at 2030 South Avenue
22 3E. So we selected a hearing location at the eastern
23 edge of Yuma to try to get as close as we could to the
24 project, but it still is some distance from the project.

25 CHAIRMAN KATZ: And what is the expected date

1 that this hearing will begin upon?

2 MR. DERSTINE: I think we have -- you have us
3 scheduled for February the 13th, and we're anticipating,
4 you know, the normal 1:00 p.m. start time on the 13th.
5 And certainly expecting to finish by the 15th, and we
6 could be done sooner. It's a short line. And we expect
7 we'll try to be as efficient as we can in presenting the
8 case to you.

9 CHAIRMAN KATZ: And I know that you will then
10 be providing committee members, as well as your staff
11 and others that we have to take care of, with lodging at
12 that same hotel or motel location?

13 MR. DERSTINE: Yes. We reserved a block of
14 rooms.

15 CHAIRMAN KATZ: Okay. And this will probably
16 be the last hearing that I chair, assuming that I can
17 find somebody prior to my February 28th retirement to
18 take this job over.

19 And so far, we can't do anything until the new
20 AG's election is determined, and I think the 22nd is
21 supposedly the deadline, but I'm not sure when that
22 recount will be completed. I just hope it's before the
23 1st of the year and that I can then get together with
24 whoever it might be. Our office has had meetings with
25 Kris Mayes' transition team and maybe also Hamadeh's. I

1 know for sure Kris Mayes had her staff meet with one of
2 our managing or supervising attorneys. And I think a
3 similar invitation may have been given to Mr. Hamadeh.
4 I can't verify that one way or the other.

5 But we don't know who the new AG is, and Mark
6 Brnovich can't name my successor because he won't be the
7 Attorney General, and it would be silly to train
8 somebody. And I don't know who might be interested. I
9 also don't know whether it ought to be treated as a
10 full-time job, although it's hard -- you know, I'm
11 probably spending maybe 50 hours a month between the two
12 hearings and the preparation, but 50 hours isn't an
13 80-hour workweek. But I also represent the Land
14 Department and the State Mine Inspector.

15 And I think whoever takes this over might need
16 to be hired on a full-time basis until we can get the
17 solar or alternative energy community and the major
18 utilities to put pressure on the Corporation Commission
19 to get away with this -- do away with this cumbersome
20 process for gen-tie lines. That all being said, we'll
21 move on.

22 And do you think we need a tour?

23 MR. DERSTINE: I don't. Certainly, we'll give
24 the committee an opportunity to hear more about that,
25 but it's -- as I mentioned, it's a project that's not --

1 it will take about close to an hour to drive from our
2 hearing venue just to reach the project. And then, once
3 there, it's about a one-stop tour. We can get next to
4 the Hoodoo Wash switchyard, which is where the
5 interconnection point for our gen-tie line, and then
6 there just isn't much else to see other than that.

7 And so I think my suggestion would be that we
8 rely on the virtual flyover simulation and the photos
9 and visuals. We could also utilize Google Earth to give
10 the committee a good understanding of what it looks like
11 without spending two hours just getting out and back for
12 a one-stop tour.

13 CHAIRMAN KATZ: That makes sense to me. And I
14 will be recommending, in accord with what you have
15 shared with me and what I have already seen, that we not
16 do a tour. It just doesn't make sense for us to take
17 tours in areas of wide open, raw desert or agricultural
18 or industrial settings. The time I think a tour is
19 important is when lines are at or near residential
20 subdivisions or single-family residences.

21 Tod, when will we likely be able to have our
22 prehearing conference?

23 MR. BREWER: Thank you, Mr. Chairman. I
24 believe we have this scheduled for February the 7th at
25 3:00 p.m.

1 CHAIRMAN KATZ: And let me just take one look,
2 because I think that I may have a medical appointment on
3 that date. Let me take a quick look at my calendar.

4 Yeah. I have a 3:00 or 3:30 medical
5 appointment, a follow-up to my surgery, on February 7th,
6 and it's hard to get those appointments. I could do it
7 anytime that morning, or I could do it any other day, I
8 believe, that week.

9 MR. DERSTINE: Yeah. I think if you would like
10 to move it up earlier in the day, I think that would
11 generally work for us. Not having the benefit of
12 everyone's calendar, but I think we would accommodate
13 whatever works for you.

14 CHAIRMAN KATZ: Tod, do you want to make it,
15 like, 10:00 a.m.? Would that work for you?

16 MR. BREWER: Yes, Mr. Chairman, that will work.
17 I will change that to 10:00.

18 CHAIRMAN KATZ: Yeah. I would rather do that,
19 because I don't want to reschedule that medical
20 appointment. Although my back is healing well, so it
21 will be just "You look good. Get out of here, Paul."
22 But I just want to make sure that things have gone well.

23 And I'm assuming there's no ongoing litigation
24 or other disputes that need to get resolved up front.

25 And we just need to make sure that all of our

1 committee members get copies of the application, and I
2 also believe that that will be available at the hearing,
3 at least on a tablet or some type -- are we going to
4 have tablets of some sort?

5 MR. DERSTINE: Yes. We'll have iPads, yes.

6 CHAIRMAN KATZ: Okay. And I'm assuming that
7 we'll have one of our regular crews that are used to
8 doing a very good performance in these hearings.

9 And I will draft the procedural order either
10 before or immediately after our prehearing conference.

11 And the draft of the CEC, I don't know if you
12 have already provided that. I don't need it
13 immediately, but we always like to get a copy of the
14 proposed CEC. And I'm assuming there will be nothing
15 extraordinary that requires special conditions. So we
16 need to make sure that Tod gets the draft of the CEC on
17 or at the prehearing conference. I will review that
18 with him to the extent that it has anything
19 extraordinary in it.

20 And at the conclusion of the hearing, if we
21 don't add anything to it, taking out references to other
22 CECs that might be present in the draft, we will send
23 it -- or Tod will send it to me and to you folks in both
24 Word and in PDF format so that we can, in our normal
25 fashion, project both the PDF, which will become a

1 permanent part of the record, and the Word version will
2 be amended and modified as we review paragraph by
3 paragraph with the committee.

4 And I'm assuming we'll do the public comment,
5 if any, at 5:30 p.m. on the first day.

6 MR. DERSTINE: Yeah. I think we had some --
7 just discussion within the team whether there was a more
8 efficient or better way to do that, but I think just
9 given that that has been the practice of the committee
10 and that time of day would accommodate anyone who is --
11 you know, has a normal 9:00 to 5:00 job.

12 So as much as we would like to streamline this
13 case, as well as others that you have before the
14 committee, I think that's probably the right approach.

15 CHAIRMAN KATZ: And I would like to do the
16 public input earlier, but that becomes a problem because
17 people will complain that they have to work.

18 MR. DERSTINE: That's right.

19 CHAIRMAN KATZ: And those that are unable to
20 join us at 5:30 p.m. in person can do so virtually.

21 I'm assuming that all federal, state, county,
22 city, or town -- and we're only dealing with federal,
23 state, and county -- permits have either been applied
24 for or received. And I do understand that that NEPA
25 review needs to be modified in light of the changed

1 plan.

2 MR. DERSTINE: Right. Yeah. You know,
3 certainly, any permits that we need to have in hand at
4 this stage of the case have been obtained. And the --
5 you know, other than the federal process which is in the
6 final stages of the amendment of the prior EA, I think
7 we're in good shape on all other permits.

8 CHAIRMAN KATZ: Right. Are there any other
9 issues that are of concern to the Applicant that we need
10 to resolve right now?

11 MR. DERSTINE: None that I'm aware of.

12 MS. BENALLY: Mr. Chairman?

13 CHAIRMAN KATZ: Yes.

14 MS. BENALLY: The only additional information
15 we would like to provide is the public locations where
16 APS plans on making the application and transcripts
17 publicly available.

18 We have four locations that we've identified:
19 The Dateland Elementary School, the Wellton Public
20 Library, the Foothills Library, and then the Gila Bend
21 Public Library.

22 CHAIRMAN KATZ: Sounds good to me. And I'm
23 assuming that those are maybe not immediately in the
24 neighborhood but are some of the closest, convenient
25 locations to any of the communities that might be

1 affected by this transmission line. So that's fine.

2 And again, our court reporting firm always
3 wants to make sure that final transcripts of this
4 conference, our prehearing conference, and our actual
5 hearing get posted on the Applicant's website so the
6 public has the opportunity to review those if they care.

7 Is there anything else? And I do need to
8 remind you of one thing. If we're still going on
9 Wednesday the 15th, you have to get me a birthday cake,
10 because that's the day I turn 72. I won't require you
11 to pay the taxes on my required minimum withdrawals from
12 my deferred compensation.

13 But that all being said, I want to wish
14 everybody here, whatever you're celebrating, a Happy
15 Hanukkah, a Merry Christmas, and a healthy and happy New
16 Year. And if I missed any holidays, I didn't mean to
17 offend anybody, but enjoy the holiday season. Be safe
18 and be smart.

19 And some of you I may see before February. But
20 if not, I'll see you all in Yuma middle of February.
21 Take care, all.

22 MR. DERSTINE: Thank you so much.

23 CHAIRMAN KATZ: We do stand in recess.

24 And thank you, Michele. I don't know if you've
25 had the pleasure or misfortune of reporting for us

1 before, but I always appreciate the quality of your
2 firm's work. So thanks very much. We do stand in
3 recess. Thanks, bye-bye.

4 (The Prefiling Conference concluded at
5 3:31 p.m.)

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF ARIZONA)
) ss.
2 COUNTY OF YUMA)

3

4 BE IT KNOWN that the foregoing proceedings were
5 taken before me; that the foregoing pages are a full,
6 true, and accurate record of the proceedings, all done
7 to the best of my skill and ability; that the
8 proceedings were taken down by me in shorthand and
9 thereafter reduced to print under my direction.

10 I CERTIFY that I am in no way related to any of
11 the parties hereto nor am I in any way interested in the
12 outcome hereof.

13 I CERTIFY that I have complied with the ethical
14 9 obligations set forth in ACJA 7-206(F)(3) and
15 ACJA 7-206(J)(1)(g)(1) and (2).

16 DATED this 11th day of January 2023 at Yuma,
17 Arizona.

18

19

20



21

22 MICHELE E. BALMER
23 Arizona Certified Reporter
24 No. 50489

25

26

27

28 I CERTIFY that GLENNIE REPORTING SERVICE, LLC,
29 has complied with the ethical obligations set forth in
30 ACJA 7-206(J)(1).

31

32

33

34 GLENNIE REPORTING SERVICE, LLC
35 Arizona Registered Firm
No. R1035

36

GLENNIE REPORTING SERVICES, LLC 602.266.6535
www.glennie-reporting.com Phoenix, AZ