

1 BEFORE THE ARIZONA POWER PLANT

LS-365

2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE APPLICATION OF) DOCKET NO.
 4 ARIZONA PUBLIC SERVICE COMPANY, IN) L-00000D-24-0156-
 5 CONFORMANCE WITH THE REQUIREMENTS) 00234
 6 OF ARIZONA REVISED STATUTES SECTION)
 7 40-360, ET SEQ., FOR A CERTIFICATE)
 8 OF ENVIRONMENTAL COMPATIBILITY)
 9 AUTHORIZING THE REDHAWK POWER PLANT)
 10 EXPANSION PROJECT, WHICH INCLUDES)
 11 THE CONSTRUCTION OF NATURAL GAS)
 12 TURBINES, A 500KV SWITCHYARD AND)
 13 RELATED FACILITIES, ALL LOCATED TWO)
 14 MILES SOUTHEAST OF THE INTERSECTION)
 15 OF ELLIOT ROAD AND WINTERSBURG ROAD) PREHEARING
 16 IN MARICOPA COUNTY, ARIZONA.) CONFERENCE

10

11 At: Phoenix, Arizona

12 Date: August 14, 2024

13 Filed: August 15, 2024

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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 (Pages 1 through 21)

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I N D E X

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1 BE IT REMEMBERED that the above-entitled
2 and numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at Phoenix, Arizona, commencing at 3:00 p.m.
5 on August 14, 2024. All parties appeared via
6 videoconference.

7

8 BEFORE: ADAM STAFFORD, Chairman

9 APPEARANCES:

10 For the Applicant:

11 SNELL & WILMER
12 By: Matthew Derstine
13 One East Washington Street, Suite 2700
14 Phoenix, Arizona 85004

15 PINNACLE WEST CAPITAL CORPORATION
16 By: Linda Benally
17 400 North 5th Street, MS 8695
18 Phoenix, Arizona 85004

19 For the Intervenor Western Resource Advocates:

20 WESTERN RESOURCE ADVOCATES
21 By: Emily Doerfler
22 1429 North 1st Street, Suite 100
23 Phoenix, Arizona 85004

24 Also Present:

25 Tara Beske, APS, Business Advisor Resource Planning
26 Group
27 Mike Eugenis, APS, Director of Resource Planning
28 Cindy McCoy, Paralegal, Pinnacle West
29 Gourjia Odisho, Paralegal, Snell & Wilmer
30 Kelly Spence, APS, Regulatory Consultant
31 Mark Turner, AECOM, Senior Project Manager
32 Peter Van Allen, APS, Project Manager

1 CHMN STAFFORD: Now is the time set for the
2 prehearing conference, for the application of the Arizona
3 Public Service Company for a CEC in docket number
4 L-00000D-24-0156-00234, also known as Line Siting Case
5 234.

6 Let's start by taking appearances of the
7 parties, starting with you, Mr. Derstine.

8 MR. DERSTINE: All right. Thank you.

9 Good afternoon, Mr. Chairman. Matt
10 Derstine of Snell & Wilmer, appearing on behalf of
11 Arizona Public Service Company. And then we also have
12 Ms. Linda Benally, senior attorney for Arizona Public
13 Service Company. You also see Gourjia Odisho, who is a
14 paralegal with Snell & Wilmer, and Cindy McCoy, who is a
15 paralegal with the APS law department.

16 Do you want me to run through all the folks
17 who are appearing who are shown in the --

18 CHMN STAFFORD: Yeah, go ahead. Yeah, all
19 those appearing with you and then -- so Robin will have
20 it on the record.

21 MR. DERSTINE: Okay. So we have -- I'll
22 just start -- start in the top left. We have Mark
23 Turner, who is senior consultant with AECOM, the
24 environmental consultant for the project. Peter Van
25 Allen, who is the project manager for APS for the Redhawk

1 Expansion Project. I have -- I see Mr. Eugenis, Mike
2 Eugenis, E-u-g-e-n-i-s. Mr. Eugenis is going to kill me,
3 but he's going to have to remind me of his title. He's a
4 director of -- Mr. Eugenis?

5 MR. EUGENIS: Resource planning here at
6 APS.

7 MR. DERSTINE: Okay. You'll be my star
8 witness, so I better commit that to memory. Let's see
9 who else I've got here. Have I missed anyone on behalf
10 of -- oh, I have Tara -- Tara Beske.

11 Tara, am I mispronouncing your name and
12 could you state your position with the company?

13 (No response.)

14 MR. DERSTINE: And maybe I'm -- yeah, well,
15 maybe we'll --

16 CHMN STAFFORD: Doesn't show she's on mute,
17 but I'm not hearing anything.

18 MR. DERSTINE: I'm not either.

19 MS. BENALLY: Mr. Derstine, she is an
20 employee of APS and works with Mike Eugenis. If we can't
21 hear Tara, Mike, are you able to give Tara's title with
22 the company?

23 MR. EUGENIS: Yeah, absolutely. Tara is a
24 business advisor within the resource planning group.

25 MS. BENALLY: Thank you, Mr. Eugenis.

1 CHMN STAFFORD: And for Western Resource
2 Advocates?

3 MS. DOERFLER: This is Emily Doerfler,
4 appearing on behalf of Western Resource Advocates. And
5 it's just me today.

6 CHMN STAFFORD: All right. So the only
7 notice to intervene has been from WRA. I haven't seen
8 any other ones. Am I missing anything or is WRA the only
9 intervenor in this case?

10 MR. DERSTINE: WRA is the only intervenor
11 in this case, Mr. Chairman.

12 CHMN STAFFORD: All right. Do all the
13 parties agree that January 4th, 2025, is the time limit
14 for the Line Siting Committee to act according to the
15 statute.

16 MR. DERSTINE: I haven't pulled out my
17 calendar, but yes, we'll agree to it.

18 MS. DOERFLER: Agreed.

19 CHMN STAFFORD: All right. Now, has APS
20 complied with the notice to affected jurisdictions? I
21 understand that Maricopa County is the only affected
22 jurisdiction?

23 MR. DERSTINE: Yes, we have complied. And
24 Maricopa County is the only affected jurisdiction.

25 CHMN STAFFORD: All right. And have you --

1 THE REPORTER: I'm sorry, Chairman, I'm
2 having trouble hearing you.

3 CHMN STAFFORD: Have the applicants
4 complied with the posting and publishing requirements?

5 MR. DERSTINE: Yes, we have.

6 CHMN STAFFORD: Okay. And what was
7 the -- the publishing dates?

8 MR. DERSTINE: Just a second.

9 So the notice of hearing was published in
10 the Arizona Republic, first publication was on July 17th;
11 the second publication was on July the 20th. We also
12 published a notice of hearing in the West Valley View,
13 that also occurred on July 17th, with the second
14 publication on July the 24th.

15 CHMN STAFFORD: All right. And you've
16 sent -- you've complied with procedural orders,
17 paragraph 16, you took -- the summary of the public
18 outreach efforts, paragraph 19 for the tour?

19 MR. DERSTINE: Yes, I believe APS
20 Prehearing Exhibit 1 is the tour itinerary; APS
21 Exhibit -- Prehearing Exhibit Number 2 is the public
22 involvement summary. And then APS Prehearing Exhibit 3
23 is the proof of posting of signs.

24 CHMN STAFFORD: All right. Those are
25 admitted.

1 (Prehearing Exhibits APS-1 through APS-3
2 were admitted into evidence.)

3 CHAIRMAN STAFFORD: Let's see, any
4 objections or additions to the agenda?

5 MR. DERSTINE: Not on behalf of APS.

6 MS. DOERFLER: None on behalf of WRA.

7 CHMN STAFFORD: Western Advocates? WRA?
8 No?

9 MS. DOERFLER: All set.

10 CHMN STAFFORD: All right. So the hearing
11 is scheduled to start on Monday and run through Friday of
12 next week in Goodyear.

13 What's the name of the hotel again?

14 MR. DERSTINE: Mr. Turner?

15 MR. TURNER: Hampton Inn & Suites on
16 Litchfield Road.

17 CHMN STAFFORD: And you've made
18 arrangements for the out-of-town Committee members to
19 stay at the hotel?

20 MR. DERSTINE: We have. I think someone
21 has a roster of the Committee members who have made
22 reservations, if you're interested in that. Or,
23 otherwise, we're happy to share that with -- with
24 Mr. Brewer.

25 CHMN STAFFORD: Just share it with

1 Mr. Brewer. Just confirm that my name's on there.

2 MR. DERSTINE: All right. Will do.

3 CHMN STAFFORD: All right. So we'll have
4 the sign-in forms at the hearing for public comment,
5 which will be at 5:30 on Monday evening?

6 MR. DERSTINE: Yes.

7 CHMN STAFFORD: Okay. We'll have the
8 check-the-box-if-you-wish-to-speak option?

9 MR. DERSTINE: We'll make sure.

10 MS. BENALLY: Yes, Chairman.

11 CHMN STAFFORD: Yeah, it came up in one
12 hearing where we had multiple sign in and so I started
13 calling them up there and none of them had intended to
14 speak. But they did anyway since they were at the
15 property.

16 Is there going to be a need for security at
17 this hearing?

18 MR. DERSTINE: I think out of an abundance
19 of caution we've made arrangements for security. We
20 don't anticipate any issues. I don't think we have any
21 of the history that maybe you had in the current case,
22 but we will.

23 CHMN STAFFORD: Okay. And you've filed the
24 tour itinerary. That was one of the prehearing exhibits?

25 MR. DERSTINE: That's right. APS

1 Prehearing Exhibit Number 1.

2 CHMN STAFFORD: Right.

3 Now, what's the overall roundtrip time
4 estimate on that tour?

5 MR. DERSTINE: Mr. Turner?

6 MR. TURNER: I would estimate it at about
7 four hours. We're approximately 30 miles from the hotel
8 to the power plant. So the drive time is a large
9 portion. We have scheduled possibly up to four stops, if
10 we do the tour.

11 CHMN STAFFORD: All right. Just be
12 prepared to do that. I'm not sure we'll want to in this
13 particular case. I mean, we did for the case that we're
14 in the middle of right now, but then that tour only
15 lasted about an hour because we were very close to the
16 site.

17 You'll have a virtual tour, I'm assuming.

18 MR. DERSTINE: We will. Our plan is to
19 have a virtual tour, maybe a little more in depth than
20 what you screened in the current case, but it will take
21 the -- from the city of Phoenix over to the plant site
22 and orient the committee to the plant site and where the
23 expansion project will be located within the site of the
24 existing Redhawk Power Plant.

25 CHMN STAFFORD: Okay. And if they do a

1 tour, what day would you anticipate doing it, Tuesday
2 morning, Wednesday morning?

3 MR. DERSTINE: I think Tuesday morning was
4 our expectation. We made arrangements for the vehicle
5 for Tuesday morning.

6 CHMN STAFFORD: Okay. So we'll make the
7 decision on that Monday before we have public comment.

8 MS. BENALLY: Chairman Stafford, I'd like
9 to mention that for stop four is within the power plant
10 perimeter, and we're certainly making arrangements for
11 access for the Line Siting Committee, and we'll also do
12 so for any members of the public who may choose to go on
13 the tour. But to minimize any delays and to be
14 efficient, what we're suggesting is that any members of
15 the public also ride with the parties and the Line Siting
16 Committee to -- throughout the entire tour.

17 CHMN STAFFORD: Okay. And you have the
18 space to accommodate additional people on the bus or vans
19 or whatever you've arranged?

20 MS. BENALLY: Mr. Turner?

21 MR. TURNER: Yes, the bus is a 50-person
22 bus that we have arranged. And 35 people is what I've
23 been told is the number that we expect besides the
24 public.

25 CHMN STAFFORD: Okay. And I'm assuming

1 that you have Peaks Audio set up to provide the AV
2 services for the hearing?

3 MR. DERSTINE: That's correct.

4 CHMN STAFFORD: Okay. The attire for the
5 hearing will be business casual. It will probably be
6 more casual than that if we do the tour portion, at
7 least.

8 Are there any other issues regarding the
9 hearing itself?

10 MR. DERSTINE: None from APS.

11 CHMN STAFFORD: Okay. Have the parties
12 exchanged exhibits?

13 MR. DERSTINE: We have. I have already
14 apologized to Ms. Doerfler. We encountered a problem
15 with a confidential exhibit late in the day, just as we
16 were about to press send with our exhibits yesterday, so
17 there was -- we didn't get Ms. Doerfler and WRA our
18 exhibits until 6:00, but we appreciate their cooperation
19 and their understanding.

20 CHMN STAFFORD: Okay. Now, I've seen the
21 testimony summaries for APS, it looks like you have eight
22 to nine witnesses and three panels?

23 MR. DERSTINE: That's right.

24 CHMN STAFFORD: Okay. And you've filed a
25 draft CEC.

1 WRA, are you planning to present any
2 witnesses? I haven't seen any summaries from you or
3 exhibits.

4 MS. DOERFLER: We are not planning on
5 presenting any witnesses during this case.

6 CHMN STAFFORD: Do you have any exhibits?

7 MS. DOERFLER: Yes.

8 CHMN STAFFORD: How many?

9 MS. DOERFLER: 22. But that number may
10 change, dependent upon circumstances going forward.
11 Change as in lower, not change as in increase.

12 CHMN STAFFORD: Say that again.

13 MS. DOERFLER: Change as in lower, not --
14 there won't be more than 22. There might be less.

15 CHMN STAFFORD: Okay. Is APS stipulating
16 to the admission of WRA's exhibits?

17 MR. DERSTINE: I have not had an
18 opportunity to go through and review them. I think both
19 parties, you know, we had a discussion with Ms. Doerfler
20 earlier today, discussing kind of what the focus of the
21 issues are between the parties. I think those focused on
22 certain proposed conditions to the CEC, so we're going to
23 work through that, have some further discussions, and
24 that may, you know, change, as Ms. Doerfler indicated,
25 the number of WRA exhibits. And that will influence to

1 what extent APS is willing to stipulate to the admission
2 of those exhibits.

3 CHMN STAFFORD: Okay. So the attempts to
4 narrow the issues are ongoing?

5 MR. DERSTINE: I think that's a fair
6 statement, from my perspective. I'll let Ms. Doerfler
7 indicate her position.

8 MS. DOERFLER: I think that's accurate.

9 CHMN STAFFORD: Okay. Thank you.
10 Are there any other legal issues or matters
11 that require resolution?

12 MR. DERSTINE: Not at this time that I'm
13 aware of.

14 MS. DOERFLER: Not at this time.

15 CHMN STAFFORD: Now, the applicants have
16 made the financial arrangements with the Commission?

17 MR. DERSTINE: Yes.

18 CHMN STAFFORD: Okay. And I -- or the
19 Staff has not filed a letter yet indicating their
20 position in the docket, unless they've done it in the
21 last hour or so.

22 MR. DERSTINE: We have not seen it either.

23 CHMN STAFFORD: Okay. All right. And I
24 see both parties have filed proposed CECs.

25 Now, for the -- I assume you'll have to

1 amend your air permit?

2 MR. DERSTINE: Yes. The -- yeah, the
3 application is an exhibit to the CEC application, and we
4 will present testimony on the air permitting process and
5 where things stand.

6 CHMN STAFFORD: Okay. So that is pending.
7 There's no other -- are there any other permits or
8 amendments required by the County?

9 MR. DERSTINE: Mr. Turner, is there an
10 amendment that's required for zoning or anything like
11 that? I'm not aware of any, but please clarify.

12 MR. TURNER: The Redhawk Power Plant has a
13 special use permit that would need a minor or major
14 modification as part of the expansion. The expansion
15 would be included in the existing special use permit as
16 part of the County process that would occur at a later
17 date.

18 CHMN STAFFORD: So there needs to be a
19 special use permit amendment by the County? Yes?

20 MR. TURNER: That is my understanding from
21 the power plant operators that the modification to the
22 existing special use permit will be required and the
23 actual process with the County, minor or major amendment,
24 is still not defined. A meeting with the County will
25 have to take place specific to that.

1 CHMN STAFFORD: Okay. So the minor or
2 major has yet to be determined, then?

3 MR. TURNER: Yes, sir.

4 CHMN STAFFORD: Okay. All right.

5 MR. TURNER: It's a process.

6 CHMN STAFFORD: Now, is there a NEPA
7 process for this?

8 MR. DERSTINE: No.

9 CHMN STAFFORD: Okay. Oh, yes, for the
10 exhibits for the Committee members, I assume you'll be
11 having them on the tablets as per --

12 MR. DERSTINE: Yes.

13 CHMN STAFFORD: -- Peaks usually does?

14 MR. DERSTINE: Yes. We will load the APS
15 and the WRA exhibits onto the tablets.

16 CHMN STAFFORD: Excellent. That was going
17 to be my next question.

18 And then for -- in terms of hard copies,
19 I'll need a hard copy for myself and a hard copy for the
20 reporter. Other than that, it's all electronic for the
21 exhibits?

22 MR. DERSTINE: Right.

23 CHMN STAFFORD: And I guess you'll
24 introduce new ones, typically, you might hand out some
25 hard copies in that situation.

1 Now, when the exhibits are mailed out to
2 the Committee members, you send out hard copies of those,
3 right? Or not?

4 MR. DERSTINE: We have not.

5 CHMN STAFFORD: Okay. If you do, I've had
6 requests from members to at least hole punch them.
7 Because I think they got the exhibits for this case and
8 they were all tabbed, but they were just -- they weren't
9 in a binder and they were just held together by rubber
10 bands, and they weren't three-hole punched, so they could
11 put them in their own binders. So if you're going to
12 send them out, please at least three-hole punch them.

13 MR. DERSTINE: Oh, I mean, we will have
14 additional copies of the paper exhibits in binders for
15 those Committee members who would like to use the paper
16 exhibits. And, again, everything will be loaded on the
17 iPads.

18 CHMN STAFFORD: Okay.

19 MR. DERSTINE: I think in the past most
20 Committee members have been comfortable using the iPad,
21 but we'll make sure we have a number of extra copies of
22 the hard copies.

23 CHMN STAFFORD: Excellent. Well, I think
24 that covers everything I had.

25 Is there anything else I missed, Tod?

1 MR. BREWER: No, Mr. Chairman. Thank you.

2 CHMN STAFFORD: Mr. Derstine, anything
3 else?

4 MR. DERSTINE: No, I think that covers it.
5 We'll look forward to seeing you on Monday.

6 CHMN STAFFORD: Okay. Ms. Doerfler?

7 MS. DOERFLER: Yes. Do you have any
8 estimate about how many hard copies we are -- I know we
9 have the two, but do you have any estimate on how many
10 other hard copies we would need? I'm just trying to
11 prevent the printing out more than is necessary.

12 CHMN STAFFORD: Just two.

13 MS. DOERFLER: Just two? Okay.

14 CHMN STAFFORD: It's just that sometimes
15 the applicant's exhibits get filed in the docket and then
16 they get sent out to the members, but -- and just the
17 Commission sends them out as they receive them, so my ask
18 was that if you're going to do that, at least three-hole
19 punch them if you don't put them in binders.

20 MS. DOERFLER: Okay. Understood. Thank
21 you for that clarification.

22 MS. BENALLY: Mr. Chairman?

23 CHMN STAFFORD: Yes.

24 MS. BENALLY: Are you anticipating some of
25 the Committee members to be appearing virtually at the

1 hearing next week or will they all be in person?

2 CHMN STAFFORD: No, there will some be
3 attending virtually.

4 MS. BENALLY: Okay. Thank you.

5 CHMN STAFFORD: And some may start in
6 person and move to virtual. We had that happen this
7 week. I think we have three members attending virtually
8 right now, but only two initially, so --

9 MS. BENALLY: Okay. Thank you.

10 CHMN STAFFORD: And I think we'll have four
11 members virtually tomorrow.

12 MS. DOERFLER: Would it be helpful to have
13 WRA email its exhibits to Tod or you to have those
14 disseminated to virtual -- people who are attending
15 virtually?

16 CHMN STAFFORD: Yes.

17 MS. DOERFLER: Okay. I can do that.

18 CHMN STAFFORD: Yeah, that's -- if you're
19 going to -- it's best to email Tod with the copies of
20 the -- electronic copies of the exhibits and he'll
21 forward them on to the members who are remote. And then
22 just keep that in mind if you intend to introduce
23 additional exhibits at the hearing, you'll need to do the
24 same thing, have them scanned and sent to Tod to be sent
25 to any members that are remote.

1 CHMN STAFFORD: Is that everything?

2 Anything else?

3 (No response.)

4 CHMN STAFFORD: I'm seeing the attorneys
5 shake their heads. So with that, we're adjourned.

6 (The hearing concluded at 3:21 p.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

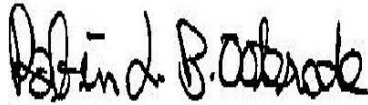
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outcome hereof.

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10 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
11 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this
12 14th day of August, 2024.

13



14

ROBIN L. B. OSTERODE, RPR
CA CSR No. 7750
AZ CR No. 50695

15

* * * * *

16 I CERTIFY that Glennie Reporting Services, LLC,
17 has complied with the ethical obligations set forth in
18 ACJA 7-206(J)(1)(g)(1) through (6).

19



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