

1 BEFORE THE ARIZONA POWER PLANT LS-353

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION) DOCKET NO.
 4 OF ARIZONA PUBLIC SERVICE) L-00000D-24-0156-00234
 COMPANY, IN CONFORMANCE WITH THE)
 5 REQUIREMENTS OF ARIZONA REVISED) LS CASE NO. 234
 STATUTES § 40-360, ET SEQ., FOR)
 6 A CERTIFICATE OF ENVIRONMENTAL)
 COMPATIBILITY AUTHORIZING THE)
 7 REDHAWK POWER PLANT EXPANSION)
 PROJECT, WHICH INCLUDES THE)
 8 CONSTRUCTION OF NATURAL GAS)
 TURBINES, A 500kV SWITCHYARD AND)
 9 RELATED FACILITIES, ALL LOCATED)
 TWO MILES SOUTHEAST OF THE)
 10 INTERSECTION OF ELLIOT ROAD AND)
 WINTERSBURG ROAD IN MARICOPA)
 11 COUNTY, ARIZONA.)
)

12

13 At: Phoenix, Arizona

14 Date: July 2, 2024

15 Filed: July 15, 2024

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18 REPORTER'S TRANSCRIPT OF PROCEEDINGS

19 (Pages 1 through 20)

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22 GLENNIE REPORTING SERVICES, LLC
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 23 1555 East Oranewood Avenue, Phoenix, AZ 85020
 602.266.6535 admin@glennie-reporting.com

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25 By: Jennifer Honn, RPR
 Arizona CR No. 50885

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 1:01 p.m. on July 2, 2024, with
5 all participants appearing via videoconference.

6

7 BEFORE: Adam Stafford, Chairman

8

9 APPEARANCES:

10 For the Applicant:

11 Matt Derstine, Esq.
12 SNELL & WILMER
13 One East Washington Street
14 Suite 2700
15 Phoenix, Arizona 85004

14 and

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

17 For ArISEIA:

18 Autumn T. Johnson, Esq.
19 TIERRA STRATEGY
20 5825 West Monte Cristo Avenue
21 Glendale, Arizona 85306

21 For Western Resource Advocates:

22 Emily Doerfler, Esq.
23 WESTERN RESOURCE ADVOCATES
24 2260 Baseline Road
25 Suite 200
Boulder Colorado 80302

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1 APPEARANCES: (continued)

2 For the Arizona Corporation Commission Staff:

3 Maureen Scott, Esq.
4 Staff Attorney, Legal Division
5 1200 West Washington
6 Phoenix, Arizona 85007

7 ALSO PRESENT:

8 Peter Van Allen, APS, Project Manager
9 Kevin Duncan, APS, Senior Siting Consultant
10 Jason Spitzkoff, APS Manager of Transmission Planning
11 and Engineering
12 Rachael Leonard, APS, Manager of Regulatory
13 Compliance
14 Mark Turner, AECOM
15 Cindy McCoy, APS
16 Gourjia Odisho, Snell & Wilmer
17 Tod Brewer, Assistant to Chairman Stafford

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1 CHMN STAFFORD: Let's go on the record.

2 Now is the time set for the prefiling
3 conference for the APS Redhawk Expansion Project.

4 Mr. Derstine, let's take your appearance,
5 please.

6 MR. DERSTINE: Yeah. Matt Derstine,
7 Snell & Wilmer, appearing on behalf of Arizona Public
8 Service Company, the applicant.

9 CHMN STAFFORD: And who do you have with
10 you today?

11 MR. DERSTINE: Let's see, starting at the
12 top, we have Linda Benally who's senior in-house counsel
13 for Arizona Public Service.

14 We have our project manager, Peter Van
15 Allen.

16 Kelly Spence, who's APS State regulatory.

17 Mark Turner, who represents AECOM who's the
18 environmental consultant for the project.

19 Kevin Duncan, who's the APS senior siting
20 consultant.

21 Mr. Jason Spitzkoff, who's the APS manager
22 of transmission planning and engineering.

23 And I believe also Ms. Rachael Leonard,
24 who's the manager of regulatory compliance for APS.

25 And if I missed anybody, please raise your

1 hand and add your name to the list of attendees.

2 MS. BENALLY: And, Mr. Derstine, this is
3 Linda Benally. I believe that Kelly Spence is not on
4 this call today. However, Rachael Leonard, as you
5 mentioned, is from APS.

6 CHMN STAFFORD: Okay. And Cindy McCoy, is
7 she with APS too?

8 MR. DERSTINE: Yes. And then Gourjia
9 Odisho is a paraprofessional from Snell & Wilmer also
10 here on behalf of APS.

11 CHMN STAFFORD: Okay. Looks like we also
12 have Autumn Johnson with ArISEIA and Emily Doerfler with
13 Western Resource Advocates on the screen as well.

14 I take it they are interested in
15 participating in this case when it is filed?

16 MS. DOERFLER: WRA is not confirmed one way
17 or the other, but we wanted to participate today just in
18 case that was the case.

19 CHMN STAFFORD: Okay. It looks like
20 Maureen Scott from Commission Staff is joining us as
21 well.

22 So I guess if we could confirm that you --
23 the applicant's notified interested parties that they can
24 appear today?

25 MR. DERSTINE: We did. I think we have

1 notified, as you see, Ms. Johnson on behalf of ArISEIA,
2 Ms. Doerfler on behalf of Western Resource Advocates. I
3 think we have also notified Sierra Club of the prefiling
4 conference as well, in addition to Staff.

5 CHMN STAFFORD: All right. Now, let's see,
6 what's been the public interest so far for this project?

7 MR. DERSTINE: Well, I guess we'll gauge
8 public interest by our outreach efforts.

9 We have held an open house. There were 15
10 attendees who attended the in-person open house.

11 There's also a project website that
12 includes a virtual open house, provides more information
13 on the project. There's been, I think I have the number
14 right, 2,100 visitors to the project website. Overall,
15 we've received six comments. Some of those comments go
16 to -- more to concern over construction traffic which is
17 apparently an issue out in the area.

18 But no -- no comments that oppose the
19 project have been received to date.

20 CHMN STAFFORD: Okay. And I have six
21 prefiling conference exhibits.

22 Do you have those as well, Jennifer?

23 THE COURT REPORTER: Yes, Chairman.

24 MR. DERSTINE: Mr. Chairman, I will add --

25 CHMN STAFFORD: We'll go ahead and admit

1 those.

2 (Exhibits 1 through 6 were admitted)

3 CHMN STAFFORD: Do you want to describe
4 them, though, Mr. Derstine?

5 MR. DERSTINE: I'll go through the list
6 that I have. I have five, and maybe Ms. Benally can
7 correct me if I'm wrong.

8 I've got three maps.

9 1 is the kind of the high-level map of APS
10 generation resources and transmission resources that we
11 thought did a nice job of orienting you, Mr. Chairman,
12 and the other parties to the location of the project.

13 And then APS-2 is a map that shows the
14 boundary of the existing Redhawk plant.

15 And then APS-3 is a more detailed site map
16 which shows where the new expansion project will be
17 constructed within the perimeter of the existing plant.

18 APS-4 is a map that shows the study area.
19 I think it's a three-mile buffer that we utilized for
20 notification purposes as well as some of the
21 environmental analysis.

22 APS-5 is a draft notice of hearing.

23 That's the list that I had.

24 6, you may have received inadvertently our
25 internal checklist?

1 CHMN STAFFORD: No. APS-6 is a sign
2 location map.

3 MR. DERSTINE: Oh, okay. Got it. Yeah.
4 So that's APS-6.

5 CHMN STAFFORD: So you got the draft notice
6 of hearing. So we're looking at a file date of July 5?

7 MS. BENALLY: July 8, Mr. Chairman.

8 CHMN STAFFORD: Filing July 8, you said?

9 MS. BENALLY: That is correct.

10 CHMN STAFFORD: Okay. And so the hearing
11 date would be still August 19 through 23?

12 MR. DERSTINE: That's correct.

13 CHMN STAFFORD: So the publication notice,
14 that would that be in the Arizona Republic?

15 MR. DERSTINE: I think it's the Arizona
16 Republic and the West Valley View we're utilizing. We're
17 getting the two statutory required publications through
18 the Arizona Republic supported by the one publication,
19 the West Valley View, which is a local paper.

20 CHMN STAFFORD: Okay. What are the dates
21 for the publications going to be?

22 MR. DERSTINE: We're looking to publish in
23 the Republic on July 17, which is a Wednesday, and
24 Saturday July the 20th.

25 The West Valley View publication will also

1 occur on Wednesday, July 17.

2 CHMN STAFFORD: Okay. Very good.

3 Signs and locations, you've got them in
4 your Exhibit 6, APS prehearing -- prefiling 6?

5 MR. DERSTINE: Yeah. I believe 6 indicates
6 four sign locations. There is, frankly, not a lot of
7 major roads or intersections, so we've selected the four
8 spots that we thought would receive the most traffic and
9 would be best suited to providing notice for travelers in
10 the area.

11 CHMN STAFFORD: I'm seeing three signs on
12 this map. Is there a fourth one?

13 MR. TURNER: Mr. Derstine, may I add to
14 that?

15 MR. DERSTINE: Yeah.

16 MR. TURNER: So there are -- location
17 number 2 is going to be two signs facing one north and
18 one south to make sure that it's directional there.

19 Location 1 and 3 are just a single sign.
20 Our apologies for not clarifying that
21 better.

22 MR. DERSTINE: That was --

23 CHMN STAFFORD: You just did. Thank you.

24 MR. DERSTINE: Yep.

25 CHMN STAFFORD: And what are the affected

1 jurisdictions?

2 MR. DERSTINE: So we're -- the project is
3 out in unincorporated Arlington, so, really, the only
4 affected jurisdiction, per se, is Maricopa County. And
5 we've -- we're sending notice to the Maricopa County
6 supervisor as well, I think, and then the planning and
7 development department.

8 CHMN STAFFORD: Okay. So the evidentiary
9 hearing, it looks you'll be having it at the Goodyear
10 Hampton Inn?

11 MR. DERSTINE: That's correct. It's the
12 same location that you just had a hearing for on a
13 gen-tie line.

14 CHMN STAFFORD: Okay. And so it will be --
15 the hearing date, like we said, would be August 19
16 through the 23rd.

17 MR. DERSTINE: That's correct.

18 One of the issues we wanted to raise with
19 you on the hearing schedule was the draft notice of
20 hearing has a start time of nine a.m. I know that the
21 Committee typically starts on the first day at one. I
22 didn't know what your feelings were about having a nine
23 a.m. start time. I think we're flexible. We just
24 thought we would maximize the use of our hearing days if
25 possible.

1 CHMN STAFFORD: All right. Well, yeah, we
2 usually start at one because it takes -- a lot of members
3 have to travel significantly --

4 MR. DERSTINE: Correct.

5 CHMN STAFFORD: -- and so if you'll be kind
6 enough to -- you'll have lodging for the out-of-town
7 members; correct?

8 MR. DERSTINE: We will. At the same
9 hearing -- at the same hotel which is the location of the
10 hearing.

11 CHMN STAFFORD: All right. So I'm inclined
12 to keep the start time day one at one p.m. Gives them
13 time to travel. Otherwise, they got to travel on the
14 Sunday to get there ahead of time.

15 MR. DERSTINE: Understood.

16 CHMN STAFFORD: And then we'll do the same,
17 leave the public comment at 5:30 that day.

18 Now, you need to submit a plan for a tour,
19 but given the remoteness of this, how far -- how far is
20 the hotel from the project site?

21 MR. DERSTINE: Mr. Turner, do you have that
22 distance?

23 MR. TURNER: 25 miles approximately.

24 CHMN STAFFORD: Oh, okay. That's --

25 MR. TURNER: Actually, it's the closest

1 venue we could find. It's pretty far out.

2 CHMN STAFFORD: Right.

3 MR. DERSTINE: We will have a virtual tour
4 that we can -- that we'll plan to present on the first
5 day of the hearing. And then I think, as you typically
6 do, the Committee can consider whether they want us to
7 schedule and plan for a tour. We'll make arrangements to
8 have a suitable vehicle and have a tour schedule
9 prepared. And so whatever your pleasure is and whatever
10 the Committee would like.

11 CHMN STAFFORD: All right. So I think if
12 we're going to do a tour, we do it that Tuesday morning.
13 But it may be unlikely.

14 And a prehearing conference will be on
15 August 14; is that right, Tod?

16 MR. BREWER: That's correct, Mr. Chairman.
17 Thank you.

18 CHMN STAFFORD: Okay. Is there any
19 litigation or disputes we need to discuss?

20 MR. DERSTINE: I'm sorry. Any what?

21 CHMN STAFFORD: Litigation or disputes we
22 need to discuss?

23 MR. DERSTINE: No. Not at this time.

24 CHMN STAFFORD: Okay. The application,
25 when it gets filed, everyone will get a copy of that.

1 And then I'll draft the Procedural Order.

2 Now, applicant needs to get me a draft CEC
3 by the prehearing conference. If there are any other
4 parties, they can do so if they like.

5 Public comment, we're able to do it normal
6 time.

7 What's the permit status for the project?
8 Are you -- already have that? You need just your air
9 permitting? Have you got that?

10 MR. DERSTINE: We will. I think an air
11 permit application was filed, I believe, on April 8, on
12 or about April 8, and so that's pending and taking its
13 procedural process and course.

14 There's no other significant permits
15 required other than -- yes, that's it. There are minor
16 permits for normal construction, dust, et cetera, but
17 that's the main permit.

18 There's no NEPA nexus to the project.

19 CHMN STAFFORD: Now, you have -- is that
20 with the County or with DQ?

21 MR. VAN ALLEN: That permit, typically with
22 the County, yeah.

23 CHMN STAFFORD: That's what I thought, just
24 wanted to make sure. All right.

25 Now, the applicant will be doing the same

1 setup, the typical hearing with Peaks Audio with the
2 Wi-Fi access and iPads and electronic -- so some members
3 can attend electronically instead of traveling if they so
4 choose.

5 MR. DERSTINE: Right.

6 CHMN STAFFORD: What was the amount of
7 filing fee on this one?

8 MR. DERSTINE: Ms. Benally, do you recall?

9 MS. BENALLY: \$5,000.

10 CHMN STAFFORD: Now, the Commission is
11 obligated by statute to pay the costs of reporting and
12 transcribing any application hearing as well as the
13 actual necessary expenses incurred by the Committee
14 members in connection with their participation in the
15 hearings from the filing fee. The cost of fees exceeding
16 the amount of the applicant's fee may be, with the
17 applicant's consent, be incurred by the Committee and
18 charged to the applicant. Does the applicant consent to
19 pay the Commission those costs in excess of the filing
20 fee?

21 MR. DERSTINE: Yes.

22 CHMN STAFFORD: Okay. All right. Just a
23 reminder that there's the three-day transcripts.

24 Are there any other concerns, issues at
25 this time?

1 MR. DERSTINE: No, I don't believe so.
2 Unless you wanted more information on the application or
3 anything else about the project.

4 CHMN STAFFORD: No, I'm just -- prefiling
5 pretty much just focuses on the procedural issues of
6 making sure everything's in place. Because once it gets
7 filed, the time frame's triggered.

8 MR. DERSTINE: Right.

9 CHMN STAFFORD: Is that everything, Tod?
10 Do we need anything else?

11 MS. BENALLY: Mr. Chairman?

12 CHMN STAFFORD: Yes, Ms. Benally.

13 MS. BENALLY: You didn't inquire about
14 this, but we do have two public libraries that we have
15 identified where we will be placing our applications.

16 CHMN STAFFORD: Okay. And those are?

17 MS. BENALLY: The Buckeye Public Library
18 Downtown Branch and the Buckeye Public Library Coyote
19 Branch.

20 CHMN STAFFORD: Excellent. Anything else?

21 MR. DERSTINE: I guess I would be remiss if
22 I didn't at least raise the Commission's decision, the
23 UNSE on the disclaimer application. Our intention is to
24 file our application, proceed. I think we're proceeding
25 in line with what I heard from the general counsel for

1 the Commission, Tom Van Flein, at the open meeting, that
2 we'll be submitting to the -- voluntarily submitting to
3 the jurisdiction of the Committee and the Commission.
4 And our hope is that the Committee will hear the
5 application and that it will make its way to the
6 Commission for a decision in due course.

7 CHMN STAFFORD: Okay. So APS is waiving
8 any objection to jurisdiction, then, if they're
9 voluntarily submitting, you said?

10 MR. DERSTINE: That's right.

11 CHMN STAFFORD: Okay. Now, let's see, I
12 guess technically the line -- the Commission Decisions
13 aren't precedential, so the disclaimer would apply to
14 Unisource for that particular case but not necessarily to
15 yours.

16 Plus, I think the facts are different for
17 this one, too. You are adding to an existing
18 certificated site; whereas, that one had -- there was no
19 certificate involved at all at the Unisource site.

20 MR. DERSTINE: I agree with that. I guess,
21 yeah, the only pause or the concern that the applicant
22 had was the language in the -- contained in the
23 Commission's order.

24 But, again, I think that our view is that
25 we're in line with -- notwithstanding the language which

1 said that the Siting Committee is directed to apply the
2 Commission's interpretation of jurisdiction in all future
3 cases, that filing this application, proceeding to
4 hearing before the Committee, is in line with what we
5 heard from the general counsel and are voluntarily
6 submitting to the jurisdiction of the Committee and the
7 Commission on this issue.

8 CHMN STAFFORD: All right.

9 MR. DERSTINE: And I know you have another
10 plant siting case. I think it's the week before our
11 case. And so I imagine this -- we'll be watching in
12 interest in terms of that case. But assume both cases
13 are moving forward.

14 CHMN STAFFORD: Right. That was the Bella
15 Project.

16 MR. DERSTINE: Correct.

17 CHMN STAFFORD: Right. Excellent. All
18 right. Well, any --

19 MS. BENALLY: Mr. Chairman, I'm sorry.
20 This is Linda Benally.

21 CHMN STAFFORD: Go ahead. You got
22 something to say.

23 MS. BENALLY: I'm so sorry. So APS-5 is
24 the notice of hearing. We sent that to Tod in PDF
25 version. We will provide to you the Word version, but

1 we'll go ahead and make the edits based on our discussion
2 today for the time of the start of the hearing to one
3 p.m. on the first day.

4 CHMN STAFFORD: Excellent. Anything else?
5 (No response.)

6 CHMN STAFFORD: All right. Thank you very
7 much.

8 With that, we'll go off the record.
9 (Proceedings concluded at 1:20 p.m.)

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