

1 BEFORE THE ARIZONA POWER PLANT

LS-392

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION OF) DOCKET NO.
 5 ARIZONA PUBLIC SERVICE COMPANY, IN) L-00000D-24-0218-
 6 CONFORMANCE WITH THE REQUIREMENTS) 00238
 7 OF ARIZONA REVISED STATUTES SECTION)
 8 40-360, ET SEQ., FOR A CERTIFICATE)
 9 OF ENVIRONMENTAL COMPATIBILITY)
 10 AUTHORIZING THE BAGDAD 230kV)
 11 TRANSMISSION LINE THAT WILL CONNECT)
 12 FROM WESTERN AREA POWER)
 ADMINISTRATION'S MEAD-TO-PERKINS)
 TRANSMISSION LINE VIA A NEW)
 SUBSTATION TO A NEW SUBSTATION NEAR)
 THE TOWN OF BAGDAD AND ADJACENT TO)
 THE WILLOW LAKE-TO-BAGDAD 115kV)
 LINE, ALL WITHIN YAVAPAI COUNTY,) EVIDENTIARY
 ARIZONA.) HEARING
)

13 At: Phoenix, Arizona

14 Date: October 30, 2024

15 Filed: November 4, 2024

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 (Pages 308 through 400)

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6

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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 Rancho de los Caballeros, 1551 South Vulture
5 Mine Road, Wickenburg, Arizona, commencing at 9:00 a.m.
6 on October 30, 2024.

7

8

9 BEFORE: ADAM STAFFORD, Chairman

10 LEONARD C. DRAGO, Department of Environmental
Quality

11 ROMAN FONTES, Counties
(Videoconference appearance.)

12 DAVID FRENCH, Arizona Department of Water Resources
(Videoconference appearance.)

13 JON H. GOLD, General Public
NICOLE HILL, Governor's Office of Energy Policy
14 (Videoconference appearance.)

15 R. DAVID KRYDER, Agriculture Interests
MARGARET "TOBY" LITTLE, General Public
(Videoconference appearance.)

16 GABRIELA SAUCEDO MERCER, Arizona Corporation
Commission

17 DAVE RICHINS, General Public

18

19 APPEARANCES:

20 For the Applicant:

21 Linda Benally
(Videoconference appearance.)

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24

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1 APPEARANCES (Continued):

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1 CHMN STAFFORD: All right. Let's go back
2 on the record.

3 Before we get to the CEC I wanted to
4 clarify, we've talked about the placemat quite a bit.
5 Let's get the applicant to identify the picture of the
6 route that was on the placemat. Which exhibit was that
7 in that we've already admitted?

8 MR. DERSTINE: Well, the -- yeah, the image
9 that's on the one side of the placemat that shows the
10 route from going from south to north from the TS-01
11 substation location adjacent to the WAPA 500-kV
12 Perkins-to-Mead line and then travels north to the TS-02
13 substation location, that is in -- certainly is in the
14 application, the APS Exhibit 1. And it's been included
15 in a number of the witness slides. I think the project
16 description testimony that Mr. Duncan provided included
17 this same map.

18 Am I correct, Mr. Duncan?

19 MR. DUNCAN: Yes, you are correct.

20 MR. DERSTINE: So the witness slides APS
21 Exhibit 6, I think.

22 CHMN STAFFORD: And then the photo on the
23 back, which --

24 BY MR. DERSTINE:

25 Q. The photo on the back, Ms. Esquer, is that

1 KO- -- it's one of her -- it's one of the simulations
2 created by WestLand, and I'm getting the message
3 through --

4 A. (MS. ESQUER) Yes, that is --

5 Q. -- that is KOP-4?

6 A. (MS. ESQUER) -- that is KOP-4, yes.

7 CHMN STAFFORD: Okay. Thank you.

8 All right. Members, did you have any
9 additional questions for the witnesses before we bring up
10 the CEC?

11 (No response.)

12 CHMN STAFFORD: Any members online?

13 MEMBER FRENCH: No questions here.

14 CHMN STAFFORD: All right. And Members

15 Little, French, Fontes, and Hill, you all have the

16 Chairman's exhibits, correct?

17 MEMBER FRENCH: Yes.

18 CHMN STAFFORD: Okay. Excellent.

19 All right. If we could bring up Chairman's
20 1 on the left, and Chairman's 2 on the right. Chairman's
21 2 is the Word version we'll be working off of. If you
22 could display it on the monitors in front of the
23 committee members so they can see any changes we make.
24 Members, you have the draft CEC on your tablets for ease
25 of reading. Let's scroll down to the bottom, it's

1 labeled Chairman's 1 or Chairman's 2.

2 MEMBER GOLD: Mr. Chairman?

3 CHMN STAFFORD: Yes, Member Gold.

4 MEMBER GOLD: It says --

5 CHMN STAFFORD: Use your microphone,
6 please, Member Gold.

7 MEMBER GOLD: Just a quick question.

8 CHMN STAFFORD: Okay.

9 MEMBER GOLD: It says Freeport Minerals
10 Corporation represented by Patrick J. Black and Kaitlyn
11 E. Smith made a limited appearance?

12 CHMN STAFFORD: Yes. That was the Exhibit
13 FMI-1, a limited appearance statement from Freeport
14 Minerals Corporation that was entered into the record.

15 MEMBER GOLD: Thank you, Mr. Chairman.

16 MEMBER LITTLE: Mr. Chairman?

17 CHMN STAFFORD: Yes, Member Little.

18 MEMBER LITTLE: I do have one question and
19 it's a general question. Mr. Derstine said yesterday
20 afternoon that because no alternative routes were
21 noticed, we could not consider those today. Is that
22 true? If we -- if we as a committee choose to ask APS
23 and WAPA to consider an alternative route, is our only
24 recourse to deny this CEC?

25 CHMN STAFFORD: Not quite. Let's see, if

1 you look at the rules, Rule 208, it states -- 208(G)
2 states that, "If the committee subsequent to the hearing
3 proposes to condition issuance of the certificate on the
4 use of a site other than the site or alternate sites
5 generally described in the notice referred to in Rule
6 207(A), a further hearing shall be held thereon after
7 public notice, as provided in Section 213(A), shall be
8 deemed to run from the date of such public notice."

9 So because the notice went out with only
10 this route, if we were to condition approval on a
11 different route, we would have to re-notice and hold
12 further hearings. And the new area, I think there has
13 been discussion about along Route 97 or 93, I don't
14 believe any environmental studies have been done for that
15 route, because it was never under serious consideration.
16 I think the limiting factor for the applicant here is the
17 fact that WAPA has decided where the switchyard will go
18 to tie into its 500- and 230-kV line or was it 300-kV
19 lines? Yeah --

20 MEMBER LITTLE: I just --

21 CHMN STAFFORD: -- the 525- and 345-kV
22 lines.

23 MEMBER LITTLE: Oh, apologies for
24 interrupting you. I have been a little confused as to
25 chicken and the egg problem here. Was the sub -- the

1 switchyard sited and -- first and then the transmission
2 line or was it kind of a joint thing while it makes sense
3 to put the transmission line here and then we could put
4 the switchyard there?

5 CHMN STAFFORD: My understanding that the
6 evidence showed that -- my evidence -- my -- I'm catching
7 some feedback there.

8 All right. Yeah, my understanding of the
9 evidence as has been presented is that the switchyard has
10 not been constructed. It's nonjurisdictional because
11 it's going to be constructed and owned by WAPA, a federal
12 agency. And they're in the process of establishing the
13 site for that. I believe that was what the EA was for.
14 That's out for public comment at this point in time, I
15 understand. And that -- that the -- it will result in
16 either the issuance of a FONSI or they will have to go
17 further and do the environmental impact statement
18 process.

19 Mr. Derstine, is that a correct summation
20 of the evidence that we've received?

21 MR. DERSTINE: I think that's accurate in
22 terms of the driver for the location of the transmission
23 line. I think what the testimony and the evidence shows
24 is that WAPA selected the switchyard location, its
25 facilities, and from that, then, that drove the location

1 of the APS substation and the southern origination point
2 for the transmission line route. And then WAPA selected
3 and appr- -- or approved the transmission line route to
4 follow the water pipeline that has been discussed through
5 the testimony and the evidence.

6 CHMN STAFFORD: Thank you.

7 MEMBER LITTLE: Thank you all.

8 CHMN STAFFORD: All right. Was that -- any
9 more questions, Member Little or was that -- was that it?

10 MEMBER LITTLE: No, that's it. Thank you.

11 CHMN STAFFORD: Okay.

12 All right. Have the members reviewed the
13 introduction?

14 MEMBER GOLD: Mr. Chairman?

15 CHMN STAFFORD: Yes, Member Gold.

16 MEMBER GOLD: I have just one more
17 question. Regarding what Member Little just brought up,
18 how expensive -- how much would it cost the company in
19 time and money to do the Environmental Assessment or
20 whatever it takes to consider Route 93 to 97 that we
21 discussed yesterday? I realize that the closing
22 statement, Mr. Derstine, you said you didn't have a
23 choice, that WAPA said we're putting the line here, so
24 that's where you have to start everything.

25 If WAPA changed its mind, for some reason,

1 or was pushed to change its mind for some reason, how
2 expensive would it cost the applicant, how much would it
3 cost ballpark to redo everything and look at a route
4 going up 93 to 97 and then just that short line -- that
5 short mile run to get to TS-02 location, the substation,
6 ballpark, are we talking hundreds, thousands, tens of
7 thousands, hundreds of thousands, millions of dollars? I
8 have no clue. That's why I'm asking the question.

9 MR. DERSTINE: I'm not sure I know in terms
10 of the additional costs, because I don't know what the
11 time and cost expenditure has been to date to get through
12 this process and get to where we are with a draft EA.

13 Q. Mr. Duncan or Ms. Esquer, do you have a ballpark
14 estimate you can give to the committee?

15 A. (MR. DUNCAN) So I'll look to Ms. Esquer to make
16 an estimate on what an Environmental Assessment would
17 ballpark, I mean, I could take a guess, but I think she
18 would provide a better estimate, but just in terms of
19 what I -- I do estimates all the time for the APS aspects
20 of transmission line work. In a project like this
21 outside of the -- outside of the EA would be probably
22 somewhere on the order of about \$400,000. But I
23 would -- but that it would be in addition to the
24 Environmental Assessment.

25 Can you do -- are you willing to make an

1 estimate or do you want me to?

2 Okay. So for an Environmental Assessment,
3 based -- these are hard to estimate because they are --
4 they are so cost-dependent upon the federal agency who
5 dictates, you know, if we were to engage in another
6 process they would, again, look at alternatives and the
7 number of alternatives that are being required by the
8 federal agency is going to largely dictate the number of
9 environmental studies that have to be formed, the length
10 of those environmental studies, the detail that is there,
11 but I'm going to guess that it's going to range between
12 half a million and a million dollars. So total cost of
13 somewhere between 1 million and 1.5 million to -- to redo
14 the process.

15 MEMBER GOLD: And one last -- second half
16 of that question, how much time would that take?

17 MR. DUNCAN: So an Environmental Assessment
18 is supposed to -- and I say supposed to because it
19 sometimes takes longer or sometimes takes shorter, is
20 supposed to be about 18 months, but that is after
21 alternatives have been sorted and after environmental --
22 basic environmental studies have been performed. Then
23 you go into the public process of the Environmental
24 Assessment, so I would range that we're talking about
25 two -- two to two and a half years for the Environmental

1 Assessment, and then, just like this project, you'd have
2 the CEC bolted on the back end, and that usually would
3 add another six months to a year. So I'm going to
4 estimate about three to three and a half years for the
5 entire process.

6 CHMN STAFFORD: And what is the planned
7 in-service date for the line that's currently proposed?

8 MR. SPITZKOFF: The current in-service
9 dates for 2027, I can -- I can see the possibility of
10 that moving to 2028, but ultimately, as I said yesterday,
11 it's -- it is predicated on Freeport making that
12 commitment, and that will be contingent upon market
13 conditions and all of that. As of now what we -- what we
14 know from Freeport is they are intending to move forward
15 with this project. So right now, 2027 is the in-service
16 date.

17 CHMN STAFFORD: And that's when they plan
18 to increase the production of the mine?

19 MR. SPITZKOFF: Or it's at least when they
20 plan to start building their facilities on-site. I don't
21 know if they actually need this line in service as
22 they're building for some initial power and testing and
23 things like that. So it doesn't -- it doesn't
24 necessarily coincide with their increase in 2027, because
25 they might need this line earlier for some ancillary

1 power.

2 CHMN STAFFORD: Okay. But the increased
3 production of the mine can't happen without the addition
4 of this line; is that correct?

5 MR. SPITZKOFF: That's correct.

6 CHMN STAFFORD: Okay.

7 MR. SPITZKOFF: And I just want to be clear
8 on what assumptions that is all predicated upon the --
9 Member Gold mentioned at the beginning of his question,
10 assuming something happens with WAPA and the EA. So the
11 location of that substation is WAPA's decision to make.
12 APS does not have any jurisdiction, authority, influence,
13 really, on WAPA's decision, if they want to move that.

14 And this -- this committee requesting a
15 route on 97 might also not be very influential on WAPA's
16 decision. And the party that we haven't mentioned that
17 much also is Arizona State Land Department, because this
18 is all on their land. So if they also want us -- because
19 they're the party who granted this location for the
20 pipeline. They said this is where --

21 MR. DUNCAN: I just want to add, Jason --
22 Mr. Spitzkoff, that a route on 97 would also involved a
23 new federal agency, the Bureau of Land Management.

24 MR. SPITZKOFF: Thank you.

25 But Arizona State Land Department put the

1 pipeline on this route. That's where they wanted it.
2 It's their land. So they also might not be willing to
3 grant APS easements in a route generally following 97,
4 which is also on their -- largely on their property.

5 CHMN STAFFORD: Thank you.

6 MEMBER GOLD: Mr. Chairman?

7 CHMN STAFFORD: Yes, Member Gold.

8 MEMBER GOLD: So let's assume that Bagdad
9 Mine decides to go ahead with this project or decides not
10 to go ahead with this project, when would you actually
11 begin construction of your project?

12 MR. SPITZKOFF: Once we receive a CEC and
13 the decision from WAPA, the FONSI, if we assume it's the
14 FONSI, that would allow us, if Freeport wants us to start
15 the next stages of developing this project, they might
16 request that we do the design only and engineering, and
17 then maybe acquire some of the long-lead equipment. They
18 can make that commitment to us. And then come back at a
19 time later and say, yeah, we -- we also want to make the
20 commitment for construction, so it is predicated upon
21 Freeport's commitment to APS to pay for the facilities.

22 This is going to be a project that is --
23 the cost is going to be borne by Freeport, its need is
24 serving -- serving the mine. So as of today, the
25 indications we have from Freeport is they want to keep

1 moving forward with the development of this project.

2 MEMBER GOLD: So Freeport will determine
3 whether this project moves forward or not. Right now
4 you've been given the green light. But you haven't been
5 given the green light to start construction, because
6 there's nothing 100 percent at this point in time. When
7 is the suspense date -- when's -- no, my question is, if
8 we approve this, does our approval have any terminus --
9 terminal dates or is our approval blanket, they can build
10 this in 40 years?

11 CHMN STAFFORD: No, the CEC expires -- the
12 first condition is that it will expire after ten years.
13 That's the standard condition for all CECs. Now, in the
14 past they've had no expiration dates or five-year
15 expiration dates, but the standard since I've been here
16 has been ten years.

17 MEMBER GOLD: Thank you, Mr. Chairman.

18 So that means that between today and ten
19 years from now, you could actually begin construction of
20 this project, and that would be based on Freeport telling
21 you yea or nay. But you mentioned they have a suspense
22 date of 2027 to get the power there. What is
23 that -- their suspense date based on? Why are they have
24 saying 2027? Do they know they're going to either say
25 yes or no by 2027?

1 CHMN STAFFORD: You mean in-service date?

2 MEMBER GOLD: When you're going to have to
3 have the power. I guess in-service date.

4 CHMN STAFFORD: In-service date, yeah.

5 MEMBER GOLD: Yes, Mr. Chairman, thank you.

6 MR. SPITZKOFF: So Freeport does not have a
7 similar-type end date like this CEC would have. The 2027
8 date that was mentioned is what they have currently
9 requested from us. They can push that -- push that back
10 if they feel the market conditions that they need warrant
11 that, but -- so their limitation, the earliest they could
12 have this line is 2027. That's the earliest we could do
13 all of the equipment procurement, design construction,
14 and get it in service. The latest they would have,
15 without -- without extending the term of the CEC through
16 the Commission process would be ten years from the ACC
17 approval of the CEC.

18 And -- and I also want to clear up one of
19 your previous comments. Freeport has not given us
20 authorization for construction, because at this time they
21 cannot. We can't do any construction until we have a CEC
22 granted and an EA completed. So there is, right as of
23 today, there is no option for them to give us the green
24 light for construction.

25 MEMBER GOLD: So if I understand this

1 process completely, if we approve the CEC today -- if we
2 don't approve the CEC today, this thing is dead in the
3 water, you have to have reapply. If we do approve the
4 CEC today, then within ten years Freeport either will or
5 will not make a decision. And right now it seems to be a
6 crapshoot. They paid you a good sum of money, I'm
7 guessing by now, so they probably intend to do this. So
8 we're going under the assumption that Freeport will build
9 this thing, that when they build it sometime between now
10 and I'm going to guess five years, that the route to be
11 considered is either the route that we're discussing or
12 we're pushing everything back another three and a half
13 years if -- based on what Mr. Duncan has said. And then
14 there's no knowledge of whether Freeport will say yea or
15 nay at that point in time because we're draining cash
16 from them.

17 The bottom line I'm saying is you seem to
18 be between a rock and a hard place. You've got to do it
19 here to comply with federal, and your -- for all intents
20 and purposes -- your employer's guidelines. Anything we
21 do is simply throwing a monkey wrench into it. If we
22 have say, no, you've got to do this or you've got to do
23 that or you've got to do something else. Is that a
24 correct assumption?

25 MR. SPITZKOFF: Yes. If this CEC is -- is

1 not approved and we have to explore alternatives, really
2 any alternative that we have explored as a possibility
3 will still require a CEC. And that timeline for pushing
4 that back will delay the ability of Freeport to expand
5 until that can be completed. So if they wanted to -- if
6 they wanted to move full steam ahead with their
7 expansion, and the need for this power, it would delay
8 their ability to do that.

9 MEMBER GOLD: Now, if we said we'll grant
10 the CEC, but we're also going to grant the CEC with an
11 alternate route, would that do the same delay?

12 MR. SPITZKOFF: I would need more facts to
13 answer that question.

14 MEMBER GOLD: So the alternate route would
15 be 93 going to 97, would the CEC granting both routes say
16 you have the option of choosing a route and you can say,
17 hey, look it will cost us \$3 1/2 million and push
18 everything back five years. So, yeah, you granted us the
19 route, that's very nice, but we're still going to choose
20 the route that we have here.

21 MR. SPITZKOFF: Yeah, I would say that is
22 predicated on the time -- timing need of Freeport for
23 that. Because if they -- if they need to stay on that
24 2027, 2028, even 2029 schedule, the timing of going to
25 that alternate would not -- would not meet that timing

1 need.

2 MEMBER GOLD: So would we be hurting you or
3 helping you if we said we're giving you two routes, the
4 one that you want to do and the 93, 97 route as an
5 alternative route or you could choose either, but if
6 Freeport doesn't act within a reasonable amount of time
7 they will not have the power within the ten years to do
8 it; they will not have the authority and we'll have to go
9 through this whole process again. Is that a correct
10 assumption?

11 MR. SPITZKOFF: I'm not sure Freeport has
12 anything -- Freeport's only decision is when they need
13 the power and when they're going to expand. The decision
14 on staying on this route or using a potential alternative
15 that you might grant is -- the biggest driver on that is
16 going to be the federal agencies.

17 MEMBER GOLD: Okay. That's now in a legal
18 state and that's more than I can comprehend at this point
19 in time, Mr. Chairman, and I'll leave it at that.

20 CHMN STAFFORD: Thank you, Member Gold.

21 I think if we approve an alternate route in
22 addition to the requested route, I don't think the
23 evidentiary record supports a different route, other than
24 what's been proposed, so there's that issue.

25 Secondly, if we were to condition it on an

1 alternate route, I think we'd have to hold further
2 hearings, because like I said, the evidence doesn't
3 support the other route. If we were only to give -- if
4 we were not to approve the requested route and only
5 approve the other route on the highways, we would
6 definitely have to have further hearings, and that would
7 have to be do the whole federal process because it would
8 be a different piece of land that they've even considered
9 or looked at.

10 So I think the choice before the committee
11 really is to either approve or disapprove the route, as
12 proposed, and -- because if we propose an alternate route
13 it's kind of a waste of time, because there's no way that
14 the applicant is going to build on anything other than
15 the approved route if it gets -- the requested route if
16 it gets approved. Anything else is just kind of for show
17 I guess, because it's zero percent chance of it getting
18 constructed on any alternate route, other than what's
19 been requested.

20 MEMBER GOLD: Mr. Chairman, thank you for
21 the clarification. If there's any member of the
22 committee with more experience than I have on this, and
23 they want to chime in, now's the time to do it.

24 MR. DERSTINE: I would just, I guess, echo
25 Mr. Spitzkoff's comments in terms of putting aside the

1 timing that Freeport has for the power and how that ties
2 into the timing to construct the project under the terms
3 of the CEC.

4 I think, as the Chairman correctly pointed
5 out, the main driver for this project is WAPA's decision
6 about the location, as we've -- we've talked about. You
7 know, as I mentioned in my closing comments yesterday, I
8 would love to be able to give the committee the option to
9 have some sort of a, you know, a conditional secondary
10 route and, you know, approve the CEC for this project,
11 but include a condition that requires the applicant to
12 explore with WAPA the opportunity to see if WAPA would
13 change its mind and consider the -- the route along 97,
14 which, as we looked at yesterday, is in the EA and was
15 considered and was dismissed as an alternative action.

16 And so I think the bottom line is, as
17 persuasive as this committee is, and the -- you know,
18 your authority and jurisdiction probably does not carry a
19 lot of weight with WAPA. And us going to WAPA and saying
20 this siting committee wants you to look at and
21 consider -- go back and consider your alternative action
22 that was considered but rejected in the EA, you know, I'm
23 not an expert in that space, but I think in all
24 likelihood WAPA would say no, we made our decision and
25 that's where we sit.

1 And so we're happy, as the applicant, to,
2 you know, try to go back to WAPA and ask for -- I don't
3 even know what the process would be -- but in terms of
4 having them reconsider, I mean, we are in the scoping
5 period for the EA, so there could be comments from the
6 public, the owners of the Santa Maria Ranch that
7 encourage WAPA to look at that alternative route. And
8 that may go some distance in that regard, but I think the
9 reality is, is that the project that we have presented in
10 the application is the only project we could present to
11 this committee, because it's a WAPA decision. It's not
12 our decision.

13 And if we were, you know, just creating a
14 CEC application for a new project, we would endeavor to
15 explore alternative routes and present you with
16 alternatives. But, again, we don't -- we don't have that
17 option. We don't have that right or that ability. The
18 project is what it is, as defined and approved by WAPA.
19 And that's what we've brought you. And, you know, I
20 understand the concern and the reluctance of the
21 committee because it looks like, on paper, that there
22 might be this other option out there, even though WAPA
23 considered it rejected it because, as it states in the
24 EA, it requires the construction of another 9 miles of
25 maintenance road. And as we pointed out, there other

1 impacts to other residents who have just as much in terms
2 of rights to have notice and understanding of a line that
3 might impact their views or impact their property. Those
4 25 residents have all the same rights and interests that
5 the owners, the Chays, who appeared and raised their
6 concerns about having the substation placed at the back
7 of their property on State Land do.

8 But those other residents and those who
9 would drive along Highway 97 have not been given notice
10 of the fact that there might be a transmission line in
11 that location or this committee is considering a
12 transmission line in that location.

13 So if you were to say, you know, we want
14 you to go back and explore that, we would have to start
15 this process over. With the understanding that at the
16 end of the day, WAPA is likely to say or could say we
17 made our decision, build it where we've told you to build
18 it. We've evaluated it, we have a full EA that analyzed
19 all the environmental impacts, analyzed the route. We
20 selected the location for the engineering and other
21 considerations. It's close to the existing transmission
22 line. It's within an existing transmission corridor, and
23 we looked at that 97 option and we, in our view, you
24 know, we deemed it to be not an appropriate alternative
25 and we rejected it. And I think that's where they will

1 land. So --

2 CHMN STAFFORD: Yeah, so I think the bottom
3 line is that the committee can't approve an alternate
4 route in this CEC today because, as Mr. Derstine pointed
5 out, the lack of notice to the people who would live upon
6 this new alternate route who had no idea that a
7 transmission line could impact their property. So they
8 would have to hold additional -- we'd have to hold
9 additional hearings with notice to the people along that
10 route, because they -- if they saw the notice, they
11 think, okay, the lines -- the only place the line can go
12 is over here, it can't go next to me.

13 To change that would be a due process
14 violation for them. And they have the right to
15 participate and have notice that this line is going to
16 potentially impact them and participate in our process.
17 They haven't had that. So I think the choice before us
18 today is either to approve or disapprove the line, as
19 requested by the applicant, which, of course, we can
20 certainly add reasonable conditions. But in terms of the
21 route -- I think in terms of the route, we're not able to
22 adopt an alternate route today.

23 MEMBER GOLD: Mr. Chairman, thank you.
24 Based on that, I move that we have accept the
25 introduction.

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: Further dicussion?

3 (No response.)

4 CHMN STAFFORD: All in favor say aye.

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, the
9 introduction is adopted.

10 The project description. This has to be
11 the most succinct project description I have ever seen.

12 MEMBER KRYDER: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Kryder.

14 MEMBER KRYDER: I move approval of project
15 description, as printed.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further dicussion?

18 (No response.)

19 CHMN STAFFORD: All in favor say aye.

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, the project
24 description is adopted. Now, reminder members, we'll
25 come back to adopt the Exhibit A later, but that's going

1 to be particularly important because of the detail is
2 going to be all in the Exhibit A.

3 On to conditions.

4 MEMBER KRYDER: Mr. Chairman?

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: I move approval of
7 Condition No. 1.

8 MEMBER GOLD: Second.

9 CHMN STAFFORD: Further dicussion?

10 (No response.)

11 CHMN STAFFORD: All in favor say aye.

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Condition 1
16 is adopted.

17 MEMBER GOLD: Mr. Chairman, are the
18 (inaudible) --

19 CHMN STAFFORD: I can see them here, I can
20 see Member Little, Member French, Member Hill, and Member
21 Fontes --

22 MEMBER GOLD: Can you hear them?

23 CHMN STAFFORD: Well, they're muted so
24 they're not --

25 MEMBER LITTLE: I'm here.

1 CHMN STAFFORD: There's Member Little.
2 There's Member Hill.

3 MEMBER KRYDER: Mr. Chairman?

4 CHMN STAFFORD: Yes, Member Kryder.

5 MEMBER KRYDER: I move approval of
6 Condition No. 2.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further dicussion?

9 (No response.)

10 CHMN STAFFORD: All in favor say aye.

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, Condition 2
15 is adopted.

16 Number 3.

17 MEMBER GOLD: Mr. Chairman, I move
18 acceptance of Condition No. 3.

19 MEMBER KRYDER: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

22 CHMN STAFFORD: All in favor say aye.

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 3
2 is adopted.

3 MEMBER GOLD: Mr. Chairman, I move
4 accept -- acceptance of Condition 4.

5 MEMBER KRYDER: Second.

6 CHMN STAFFORD: Further dicussion?

7 (No response.)

8 CHMN STAFFORD: All in favor say aye.

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 4
13 is adopted.

14 Number 5.

15 MEMBER LITTLE: Mr. Chairman, I move
16 Condition 5.

17 MEMBER GOLD: Second.

18 MEMBER LITTLE: And I have some suggested
19 language to add to it.

20 CHMN STAFFORD: Thank you. And who was the
21 second?

22 MEMBER GOLD: I am.

23 CHMN STAFFORD: Member Gold, all right.

24 CHMN STAFFORD: Further dicussion?

25 Member Little?

1 MEMBER LITTLE: I believe that I would feel
2 very -- much more comfortable if we were to add a
3 sentence indicating that the applicant shall also comply
4 with WAPA's Construction Standard 13, Environmental
5 Quality Protection. As it stands, number 5 only talks
6 about handling protected animal species, and I think that
7 we also need to -- we also need to address plants,
8 particularly in light of the fact that there are saguaros
9 and all other kinds of stuff out there.

10 And I don't -- I don't think that the
11 applicant would have a problem with this in that they
12 indicated to us during the hearing that they would be
13 complying with that.

14 CHMN STAFFORD: All right. Member Hill
15 [sic], Condition 9 requires the applicant to comply with
16 the Arizona Native Plant Law. It seemed that that might
17 be a more fitting place to add the WAPA Construction
18 Standard 13, you said?

19 MEMBER LITTLE: Yes. That's fine with me.
20 I just want it in there somewhere.

21 And I'm also wondering, we have recently
22 begun to add in addition to following guidelines also
23 following recommendations that the fish and game -- Game
24 & Fish has recommended. So I move that we add the words,
25 "and recommendations," between "guidelines" and "for" in

1 line 19. And I withdraw my motion about the Construction
2 Standard 13.

3 MEMBER KRYDER: Okay. Can we do these one
4 at a time?

5 CHMN STAFFORD: Yes, the motion before us
6 is to add the words "and recommendations" after the word
7 "guidelines" in Condition 5.

8 MEMBER KRYDER: Which line?

9 CHMN STAFFORD: If you're looking at the
10 tablet --

11 MEMBER KRYDER: Okay.

12 CHMN STAFFORD: This is the one that isn't
13 changing, so look -- if you're going to use line numbers
14 and page numbers go off the PDF, not the --

15 MEMBER KRYDER: Okay.

16 CHMN STAFFORD: -- Chairman's 1, not
17 Chairman's 2, which is what we're working off of, because
18 those are going to change any time they accept the change
19 as we go through the process.

20 So if you're looking at the tablet, it's
21 going to be page 4, line 22, after "guidelines" insert
22 "and recommendations."

23 MEMBER KRYDER: Okay. Thank you,
24 Mr. Chairman.

25 CHMN STAFFORD: That is --

1 MEMBER KRYDER: I would second that.

2 CHMN STAFFORD: Further dicussion?

3 MEMBER HILL: Mr. Chair?

4 CHMN STAFFORD: Oh, one second.

5 Mr. Derstine?

6 MR. DERSTINE: I'm looking to Mr.
7 Spitzkoff, but I don't think we have any objection to
8 that.

9 MR. SPITZKOFF: Yeah, I think we -- we
10 would -- the Game & Fish letter recommended halting or
11 not having construction during lambing season. I think
12 we heard testimony while there are bighorn sheep possibly
13 in the area or moving through the area, it's not
14 suitable -- it's not suitable habitat for lambing. And a
15 prohibition of construction during a, I think it was a
16 three-month period, would -- we feel would be overly or
17 not warranted.

18 CHMN STAFFORD: Member Hill, you had a
19 question or a comment?

20 MEMBER HILL: It was literally that, that I
21 wanted to have a conversation about. I -- and I wanted
22 to ask my colleague, Member Little, when she adds
23 recommendations here, it's recommendations for handling
24 protected animal species, and I would say that the
25 bighorn sheep may not necessarily be handling or

1 protected animal species. So I just wanted to check with
2 my member -- my colleague to see if she was trying to get
3 at that piece or if she was generally talking about the
4 recommendations around desert tortoises? I think there's
5 a recommendation about doing a bird survey prior to
6 construction. There's a couple of other things in that
7 letter, I don't have it in front of me and I was digging
8 around behind me in my piles and I couldn't find it. But
9 I just want to make sure that the member who suggested
10 this language gets the things covered, so that we can
11 have a comprehensive conversation about it.

12 CHMN STAFFORD: Are you referring to the
13 letter from Arizona Game & Fish from October 17th of this
14 year, I think that's APS Exhibit 17?

15 MEMBER HILL: Yes, that's it.

16 So, Member Little, do you want to take a
17 look at that, and make sure that this language gets at
18 what your expectations were in this condition? And we
19 heard from the applicant that the bighorn sheep request
20 from Game & Fish might be burdensome, but also may or may
21 not have the right habitat. I mean, it's hard to tell in
22 a 14-mile section whether they're talking about, you
23 know, some portion of the corridor or otherwise. Game &
24 Fish didn't specify, so --

25 CHMN STAFFORD: Right. I think the

1 language in this section where it says "should any be
2 encountered," would that -- would that mean that, okay,
3 we're not going to suspend construction during lambing
4 season unless we see lambs, and then we'd stop? I mean,
5 I guess it could be interpreted that way, as opposed to
6 halting all construction during the lambing season. But,
7 then, again, I think the point you made was they're not
8 protected, correct?

9 MEMBER HILL: Right. So if we look at the
10 literal language in the CEC, that -- now I've got too
11 many screens going on, I'm sorry, guys -- it says,
12 "handling protected animal species," which may not
13 include game species, as I call them. So -- I'll stop
14 talking and see if Member Little wants to comment on her
15 intentions on this.

16 CHMN STAFFORD: Yes, Member Little.

17 MEMBER LITTLE: Yeah, I think that both the
18 "for handling protected animal species" and the words,
19 "should any be encountered," would eliminate a whole
20 bunch of recommendations that are in that letter,
21 actually. And -- and I actually -- excuse me, I actually
22 would like to see some of those recommendations like
23 washing trucks and --

24 CHMN STAFFORD: I believe the truck washing
25 one is covered by another condition.

1 MEMBER KRYDER: Right.

2 MEMBER LITTLE: Okay. All right. Okay.

3 Then I happen to think that handling protected animal
4 species, should any be encountered, would mean that they
5 don't have to preclude construction during lambing
6 season, unless they see a bighorn sheep, in which case
7 they should. However, we also -- I think that handles
8 it. And I think that -- I think it's okay the way it is,
9 however, I'm not a lawyer.

10 CHMN STAFFORD: All right. Mr. Derstine,
11 is it the applicant's practice to do the surveys for the
12 desert tortoise prior to construction?

13 MR. DERSTINE: I'll let my witnesses,
14 either Mr. Duncan or Ms. Esquer, testify.

15 MR. DUNCAN: Yes, that is the standard
16 practice.

17 CHMN STAFFORD: Okay.

18 MEMBER MERCER: Mr. Chairman?

19 CHMN STAFFORD: Yes, Member Mercer.

20 MEMBER MERCER: I just wanted some
21 clarification. So when WAPA has a project, don't they
22 have to follow the same guidelines as Game & Fish, and in
23 this case, the applicant has to share some of that
24 responsibility? I just want to make sure who is
25 responsible for making sure that all these things are

1 being followed.

2 MR. DUNCAN: Thank you for your question,
3 Member Mercer. So in a NEPA process, such as what APS
4 has engaged WAPA here, APS is the applicant. So upon
5 issuance of the -- of a FONSI, if issued, the
6 recommendations and guidelines that they provide are
7 applicable to the applicant, which in this case is APS.

8 WAPA will be beholden to their own
9 standards for their construction for their portion, but
10 those -- those are not -- those -- I shouldn't say those
11 are not, they may be different than the standards that
12 they put upon APS. APS does not have any control over
13 what standards WAPA uses for their portion, but the
14 guidelines and recommendations that are provided as a
15 part of the issuance of the FONSI are applicable to APS
16 in all aspects of APS construction.

17 APS, in addition to the standards that are
18 going to be issued there will have the standards that are
19 being added here to the CEC at this moment, as well as
20 APS's standard practices that we follow regardless of
21 whether they're conditioned or not. So in terms of what
22 WAPA does for their own construction, that is not
23 contingent upon the decision. And -- and this project
24 has nothing to do with their own standards.

25 MEMBER MERCER: Okay. Thank you.

1 MEMBER HILL: Mr. Chair?

2 CHMN STAFFORD: Yes, Member Hill.

3 MEMBER HILL: I wanted to give APS a chance
4 to respond, it looked like they had another comment.

5 MR. DUNCAN: I'm sorry, I did. I just had
6 something to add, thanks to Mr. Spitzkoff, we are also,
7 of course, because we are crossing Arizona State Land
8 Department land that we are also required to follow their
9 standards as -- on the portions of their land as we cross
10 it.

11 MEMBER MERCER: Thank you.

12 MEMBER HILL: So then my question is,
13 because I've finally been able to pull up the Game & Fish
14 letter, we know than the tortoise stuff will be taken
15 care of prior to construction and during construction.
16 We'll come back to the bighorn sheep thing. There is a
17 recommendation here to conduct survey for nesting birds
18 and vegetation and/or around -- before vegetation removal
19 and then and/or construction activities that occur during
20 the breeding season. So if you are doing construction
21 between March and August, you'll need to do some breeding
22 bird surveys and things like that.

23 We haven't really talked about that. They
24 specifically call out the yellow-billed cuckoo, which I
25 think you've done surveys for, but I think the general

1 question is in this 14-mile corridor, will you be doing
2 surveys for nesting birds in the vegetation and before
3 any removal or construction activities to understand the
4 impacts there?

5 MR. DUNCAN: Migratory bird surveys are our
6 standard practice that APS will engage in on all of our
7 projects, including this one.

8 MEMBER HILL: And so it's not just the
9 yellow-billed cuckoo, but it's the entirety of the
10 corridor that you'll be assessing?

11 MR. DUNCAN: That is my understanding.

12 MEMBER HILL: Okay.

13 CHMN STAFFORD: The motion before the
14 committee is to add is the "and recommendations" to
15 Condition 5, it's been moved and seconded.

16 CHMN STAFFORD: Further dicussion?

17 (No response.)

18 CHMN STAFFORD: All in favor say aye.

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, the amendment
23 is adopted.

24 Can someone please move the condition, as
25 amended?

1 MEMBER MERCER: So moved.

2 MEMBER GOLD: I move the condition, as
3 amended.

4 MEMBER KRYDER: Second.

5 MR. DERSTINE: Mr. Chairman?

6 CHMN STAFFORD: Yes.

7 MR. DERSTINE: So I guess I'm hearing that
8 the 5 was amended to read, "The applicant shall comply
9 with Arizona Game & Fish, GFD, guidelines for"
10 handling -- "guidelines and recommendations for handling
11 protected animal species," that's the extent of the
12 change there?

13 CHMN STAFFORD: Yes.

14 MR. DERSTINE: And is the committee's
15 understanding that that --

16 CHMN STAFFORD: It does not capture the --

17 MR. DERSTINE: -- capture the bighorn --

18 CHMN STAFFORD: Right. It does not -- it
19 does not require you to not construct during the lambing
20 season.

21 MR. DERSTINE: Thank you for that.

22 MEMBER RICHINS: Chairman?

23 CHMN STAFFORD: Yes, Member Richins.

24 MEMBER RICHINS: Typically don't we leave
25 the changes intact as we do this? Because I see that

1 we're accepting recommendations as we go. Don't we
2 usually leave that -- like in this text right here, see
3 where we added the word "add recommendations" on line 19,
4 typically don't we leave that as --

5 CHMN STAFFORD: Oh, yeah.

6 MEMBER RICHINS: -- changes?

7 CHMN STAFFORD: If you leave it as track
8 changes that makes it easier for me to finalize the --
9 well, I have a note, because I keep track of how this
10 goes. So every time we amend a condition I make a note
11 and then I usually check the transcript before I finalize
12 the CEC.

13 MR. DERSTINE: But, Cindy, please whatever
14 changes you're making, once the committee moves and it's
15 seconded and approved, show it as a redline track change
16 to the Chairman's exhibit.

17 MEMBER RICHINS: Yeah, maybe show all track
18 changes is typically how we do it, just, yeah --

19 CHMN STAFFORD: Yeah, that makes my life
20 easier. Thank you.

21 MEMBER RICHINS: You're welcome.

22 CHMN STAFFORD: Thank you.

23 All right. So we have adopted Condition 5,
24 as amended, correct?

25 MEMBER GOLD: We haven't voted on it.

1 CHMN STAFFORD: I thought we just passed 5,
2 as amended.

3 MEMBER LITTLE: Oh, no, we haven't voted.

4 CHMN STAFFORD: Okay. So 5 as amended has
5 been moved, but not voted?

6 MEMBER KRYDER: Moved and seconded, but
7 we're now at the point to consider comments or if no
8 comments to vote.

9 CHMN STAFFORD: All right. So I think we
10 had our further discussion with Mr. Derstine, further
11 discussion from members?

12 (No response.)

13 CHMN STAFFORD: All in favor say aye.

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 5,
18 as amended, is adopted.

19 Number 6.

20 MEMBER GOLD: Mr. Chairman, I move 6 be
21 adopted.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Further dicussion?

24 (No response.)

25 CHMN STAFFORD: All in favor say aye.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 6
5 is adopted.

6 Number 7. This is the new one from SHPO.
7 So take a minute to review it, Members.

8 MEMBER KRYDER: In order to get it on the
9 floor, Mr. Chairman, I move approval of this.

10 CHMN STAFFORD: Condition 7?

11 MEMBER GOLD: I second.

12 MEMBER KRYDER: Yes. So now there could be
13 discussion, if wanted.

14 CHMN STAFFORD: All right. Now we have two
15 parts to it, there's a 7(A) and 7(B), we moved the entire
16 condition, which includes both A and B. I just want to
17 make sure everyone is aware of that.

18 MEMBER KRYDER: That's correct.

19 CHMN STAFFORD: So don't stop reading at
20 the end of A before we vote.

21 MR. DERSTINE: And, Mr. Chairman, I guess
22 for clarification we received language from SHPO that
23 broke down their revised conditional language into two
24 separate conditions. It looks like here for 7, you have
25 combined them, which I think is a much easier and better

1 way to see them together. But it still appears to track
2 all of the language that was suggested by SHPO in their
3 email correspondence with APS.

4 CHMN STAFFORD: Which was APS Exhibit 18?

5 MR. DERSTINE: Correct.

6 MEMBER RICHINS: Chairman, one
7 clarification. The term "Commission" in 7(A) -- 7 --
8 7(A) is referring to the five-member Arizona Corporation
9 Commission not this committee?

10 CHMN STAFFORD: Right. Throughout this
11 document, "committee" refers to committee, "Commission"
12 refers to Commission. It was spelled out in full,
13 Arizona Corporation Commission in the introduction. I
14 believe it's after the description of Member Mercer,
15 because she is the designee of the Chairman of the
16 Arizona Corporation Commission. I believe that's where
17 "Commission" is shown to be the word, henceforth referred
18 to as the Arizona Corporation Commission, without saying
19 the entire title. So throughout the rest of the document
20 it's just simply referred to as the "Commission."

21 MEMBER RICHINS: I did not see it in the
22 introduction, and that's why. It just refers to the
23 committee in the introduction, and not -- did I miss it?

24 CHMN STAFFORD: It's on page 2, line 6 1/2.

25 MEMBER RICHINS: Oh, there is a back page

1 here. I missed it.

2 CHMN STAFFORD: Sneaky double-sided
3 printing.

4 MEMBER RICHINS: Oh, so in referring to
5 Gabby, that's what we're doing?

6 CHMN STAFFORD: That's the first time the
7 phrase "Arizona Corporation Commission," appears in the
8 document, so that's where we --

9 MEMBER RICHINS: All right. Thank you.

10 CHMN STAFFORD: Thank you.

11 MEMBER RICHINS: I just wanted to make sure
12 we do that right.

13 CHMN STAFFORD: I believe that's one of the
14 changes that was made from the language suggested by
15 SHPO.

16 And, Mr. Derstine, I'm assuming because you
17 included it in your draft CEC, the applicant is
18 comfortable with this language as a condition?

19 MR. DERSTINE: Yes.

20 MEMBER MERCER: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Mercer.

22 MEMBER MERCER: I move Condition 7, as
23 drafted.

24 MEMBER KRYDER: No, it's already on the
25 table.

1 MEMBER MERCER: Oh, I'm sorry.

2 MEMBER GOLD: We're just waiting for the
3 vote.

4 CHMN STAFFORD: Discussion is concluded?
5 (No response.)

6 CHMN STAFFORD: All in favor say aye.
7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?
9 (No response.)

10 CHMN STAFFORD: Hearing none, Condition 7
11 is adopted.

12 Condition 8.

13 MEMBER MERCER: Mr. Chairman, I move
14 Condition 8.

15 MEMBER GOLD: Second.

16 CHMN STAFFORD: Further dicussion?
17 (No response.)

18 CHMN STAFFORD: And this also has the
19 suggested revisions from SHPO, correct, Mr. Derstine?

20 MR. DERSTINE: Yes.

21 CHMN STAFFORD: Condition 8 has been moved
22 and seconded.

23 CHMN STAFFORD: Further dicussion?
24 (No response.)

25 CHMN STAFFORD: All in favor say aye.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 8
5 is adopted.

6 Number 9.

7 MEMBER GOLD: Mr. Chairman, I move
8 Condition 9 be adopted.

9 MEMBER KRYDER: Second.

10 CHMN STAFFORD: Further discussion?

11 Member Little, I believe you wanted to talk
12 about WAPA Construction Condition 13.

13 MEMBER LITTLE: Yes. Maybe add the words
14 "as well as with WAPA's Construction Standard 13
15 Environmental Quality Protection."

16 CHMN STAFFORD: Can you please specify, if
17 you're looking at the tablet, the Chairman's 1 that you
18 see, can you give us -- it's going to be page 6,
19 line -- where do you want to insert the language?

20 MEMBER LITTLE: Actually, I show it on
21 page 5. Hang on a second. I have too many screens open.

22 CHMN STAFFORD: Go to the PDF, which is
23 Chairman's 1, that one's fixed so the line and page
24 numbers don't change.

25 MEMBER LITTLE: Oh, I see. Okay. And is

1 that what's shown on the screen right now?

2 CHMN STAFFORD: I believe on the screen is
3 Chairman's 2, which is the Word version we're working off
4 of. If you look at the -- the version that was emailed
5 to you as Chairman's 1, Condition -- I'm looking at it
6 now, Condition 9 appears on page 6, starting at line 2.

7 MEMBER LITTLE: Okay. I've got to open
8 that one up, then, because I'm working on the Word
9 version.

10 MEMBER RICHINS: Chairman, I have a
11 question for Member Little, actually.

12 CHMN STAFFORD: Certainly.

13 MEMBER RICHINS: If I'm permitted.

14 Member Little, does what you're suggesting
15 equal or exceed the condition represented in item 9? I
16 mean, because we've always -- we've always relied on this
17 as a pretty -- pretty strong condition. Does that WAPA
18 condition exceed this or equal it?

19 MEMBER LITTLE: I don't know that. I don't
20 know the answer to that.

21 MEMBER RICHINS: I'm just wondering if it's
22 really necessary. I mean, I think this has been a pretty
23 effective, through the course of most of our
24 construction, WAPA applies to the substations only, which
25 are nonjurisdictional, and I'm really focusing on the

1 line from point to point. I think this covers -- it's
2 been an effective law in Arizona for many years. So, I
3 mean, I really think 9 is fine as-is. But it's just
4 because I'm ignorant to the WAPA condition. I just don't
5 know if that actually meets or exceeds what we have here.

6 CHMN STAFFORD: Mr. Duncan, are you the
7 witness that's best poised to address what the WAPA
8 condition entails or would it be Ms. Esquer?

9 MR. DUNCAN: I'm actually going to pass it
10 to Mr. Spitzkoff. He says he's ready for it.

11 MR. SPITZKOFF: Thank you, Chairman, Member
12 Richins, I was going to make a comment similar to yours.
13 The WAPA conditions should be subject to the portions
14 that are going to construct that switchyard. The
15 portions APS is going to construct will cover, from a
16 materials and construction standpoint, our standards, but
17 we're also, from the environmental side, we have our
18 practices. We are also bound by the EA conditions, but
19 for the specifically to Condition 9, I agree. This is
20 ASLD, Arizona State Land Department land, and my concern
21 is if this condition entails the WAPA standard practices,
22 that might conflict with some practices that ASLD might
23 have or requirements that they might have. And I would
24 say, in my opinion, that the ASLD requirements and the
25 Arizona native plant law should be the applicable

1 standard.

2 CHMN STAFFORD: And that -- does that also
3 address the noxious weed issue and the moving the -- the
4 seeds from one area to another?

5 MR. SPITZKOFF: Yeah. Yes.

6 CHMN STAFFORD: Okay.

7 MEMBER LITTLE: Okay. That's -- you have
8 reassured me.

9 MEMBER HILL: Mr. Chair, I actually have a
10 question that I'm a little confused. The WAPA
11 construction standards are part of the EA, and I was
12 under the impression that everything covered in the EA,
13 because those WAPA construction standards were there,
14 would be subject to those construction standards.

15 Mr. Spitzkoff, are you telling me something
16 different now?

17 MS. ESQUER: Member Hill, so the WAPA
18 construction standards are for the construction of WAPA's
19 facilities. So in the EA, it's the construction of the
20 switchyard and the communications facilities included in
21 the EA. However, the conservation measures and
22 environmental protection measures that are documented in
23 the EA, those would absolutely apply to both WAPA and the
24 applicant, to APS.

25 MEMBER HILL: Okay.

1 MEMBER GOLD: Mr. Chairman?

2 CHMN STAFFORD: Yes, Member Gold.

3 MEMBER GOLD: Just as a point of
4 understanding, this line is going to follow a water
5 pipeline where the pathway is already going to be
6 bulldozed and I'm guessing the cut is going to be about
7 10 feet wide. You're going over that same land with the
8 exception of a couple of perpendiculars where you may
9 have to put the poles outside the land.

10 So you can agree with everything that's
11 here, but if the predecessor doesn't do what's supposed
12 to be there, you're not facing any issues. This is all
13 your predecessor's problem; am I correct in that
14 assumption?

15 MS. ESQUER: Yes, that's correct.

16 MEMBER GOLD: Thank you.

17 MEMBER LITTLE: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member Little.

19 MEMBER LITTLE: I'm sorry, Mr. Fontes had
20 his hand up first.

21 CHMN STAFFORD: Oh, Member Fontes.

22 MEMBER FONTES: Just to go back to a little
23 more precision on Member Hill's question for the
24 applicant's consultant on the environmental. So the NEPA
25 will be enforced, in addition to state-level requirements

1 for the line; is that -- my understanding correct on
2 that?

3 MS. ESQUER: Yes, the -- yes, the
4 environmental protection measures and the conservation
5 measures in the EA will be enforced.

6 MEMBER FONTES: So it will both be federal
7 and state that will be enforced. And I bring this up
8 because Member Little that was, I believe, the genesis of
9 her observation and discussion on item 9. So, in fact, I
10 think we've co-mingled the conversation here on the
11 construction standards. I don't think the construction
12 standard applies here. But what we're trying to get at
13 is where the enforcement of the NEPA mitigation
14 monitoring measures are on -- I hope that's clarification
15 for my members' thoughts as they, Member Little and
16 Member Hill, look at that, but the construction standard
17 is just on what WAPA's going to construct, which is that
18 substation switchyard and the components that APS will
19 advance funding on and that WAPA will build. Two
20 separate things. Just to help you get your thoughts
21 together. I appreciate that.

22 CHMN STAFFORD: Thank you, Member Fontes.

23 MEMBER LITTLE: Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: Mr. Fontes has indeed

1 expressed very well what my concern is. And it was my
2 understanding that the -- WAPA's Construction Standard 13
3 specifically dealt only with the Environmental Quality
4 Protection. If you read it in the EA, that's all they
5 talk about. And so when I was listing that one
6 Construction Standard Number 13, that's all I meant was
7 the Environmental Quality Protection part of it, not the
8 actual physical construction. What the wires look like
9 and all that stuff.

10 So all I was trying to do was put into the
11 language of the CEC, and into the conditions confirmation
12 that the construction of the line were to follow the
13 NEPA. And maybe we don't need it, maybe we do.

14 MEMBER RICHINS: Chairman?

15 CHMN STAFFORD: Yes, Member Richins.

16 MEMBER RICHINS: I feel really
17 uncomfortable pulling the NEPA requirements into State
18 Land, unless the NEPA document identifies the
19 construction of the line as a connected action to the
20 substation construction, which it certainly could. I'll
21 be honest, I didn't dive that deep into the NEPA, as some
22 of my colleagues were, so I focused on other places.

23 And I just don't know if they use that
24 language as a connected action. If it does, then NEPA
25 will do that. They'll enforce that. I don't know that

1 we need to enforce that in this proceeding. But, I don't
2 know, Nicole or Roman, or you guys that looked at it a
3 little deeper might know.

4 CHMN STAFFORD: Well, NEPA is a regulation
5 of the United States of America, correct?

6 MEMBER RICHINS: Yes.

7 CHMN STAFFORD: Yes, so they have to comply
8 with all the regulations, based on Condition 3.

9 MEMBER RICHINS: (Inaudible.)

10 THE REPORTER: I can't hear you.

11 CHMN STAFFORD: Use your microphone,
12 please, Member Richins.

13 MEMBER RICHINS: I'm mumbling things that I
14 don't want on the record.

15 CHMN STAFFORD: All right. So we -- Member
16 Little -- all right. Well, do you have proposed
17 language, because I think 9 has been moved and seconded.
18 We are in further discussion now. I guess now is the
19 time for you to offer an amendment, if you have one. Oh,
20 and you've got -- you have the Chairman's 1 up, so
21 we're -- with the page and line numbers.

22 MEMBER LITTLE: Yes, I do. I'm still
23 considering whether to do it or not. It's sounding like
24 we don't need it in there to assure that the construction
25 of the line will follow those requirements, so --

1 MEMBER HILL: And I'll just -- just offer
2 for the record and for my colleague that I -- the most
3 valuable piece of the NEPA is the requirement to follow
4 the conservation and protection measures, and I think
5 that that is resolved in Condition No. 3. So I feel
6 pretty good about that.

7 MEMBER LITTLE: Thank you. That -- that
8 reassures me.

9 MEMBER HILL: Yeah.

10 MEMBER LITTLE: So no proposed change on my
11 part.

12 CHMN STAFFORD: All right. Condition 9 has
13 been moved and seconded.

14 All in favor say aye.

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, Condition 9
19 is adopted.

20 MEMBER KRYDER: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Kryder.

22 MEMBER KRYDER: I move approval of
23 Condition 10.

24 MEMBER MERCER: Second.

25 CHMN STAFFORD: Further dicussion?

1 (No response.)

2 CHMN STAFFORD: All in favor say aye.

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 10
7 is adopted.

8 Number 11. Now, this is -- had some
9 revisions suggested by SHPO that the applicant has
10 incorporated in here.

11 Mr. Derstine, I'm going to once again
12 confirm with you on the record that by including this in
13 your proposed CEC, you are comfortable with the language
14 proposed by SHPO?

15 MR. DERSTINE: I'm making eye contact with
16 Mr. Duncan, but I think based on the communications with
17 SHPO and our inclusion in the proposed CEC that we
18 approve this language. Correct?

19 MR. DUNCAN: Yes, we do.

20 MEMBER RICHINS: Chairman?

21 CHMN STAFFORD: Member Richins.

22 MEMBER RICHINS: This is again why table
23 J-1 was so critical, and when we have a list of noes next
24 to all of the Native American tribes, you guys are going
25 to be at risk, and you'll be kind of hanging out there,

1 because you don't know if this is --

2 MEMBER KRYDER: A bit closer to your mic,
3 Dave.

4 MEMBER RICHINS: Oh, sorry.

5 You don't know if this is in an area that
6 has had some historic habitation via the tribes. You
7 know, giving that information early in the proceeding via
8 the tribes would help you with this new language that
9 we're about to add to a CEC, and it will probably be that
10 way going forward. So it's probably a good time to put
11 on notice to all applicants that your consultation with
12 your Native tribes is going to be get more and more
13 important on these issues. Thank you.

14 MR. DUNCAN: Thank you, Member Richins.

15 MEMBER KRYDER: Mr. Chairman?

16 CHMN STAFFORD: Yes, Member Kryder.

17 MEMBER KRYDER: Is Condition 11 on the
18 table?

19 CHMN STAFFORD: Did someone move 11 yet?

20 MEMBER MERCER: I move 11 -- I move
21 Condition 11.

22 MEMBER KRYDER: Second.

23 MEMBER LITTLE: Second.

24 CHMN STAFFORD: Further dicussion?

25 (No response.)

1 CHMN STAFFORD: All in favor say aye.
2 (A chorus of "ayes.")
3 CHMN STAFFORD: Opposed?
4 (No response.)
5 CHMN STAFFORD: Hearing none, Condition 11
6 is adopted.
7 Number 12.
8 MEMBER KRYDER: Mr. Chairman?
9 CHMN STAFFORD: Yes, Member Kryder.
10 MEMBER KRYDER: I move approval of
11 Condition 12.
12 MEMBER MERCER: Second.
13 CHMN STAFFORD: Further dicussion?
14 (No response.)
15 CHMN STAFFORD: All in favor say aye.
16 (A chorus of "ayes.")
17 CHMN STAFFORD: Opposed?
18 (No response.)
19 CHMN STAFFORD: Hearing none, Condition 12
20 is adopted.
21 Number 13.
22 MEMBER GOLD: Mr. Chairman, I move approval
23 of Condition 13.
24 CHMN STAFFORD: Thank you, Member Gold,
25 please use your microphone.

1 MEMBER GOLD: Mr. Chairman, I move approval
2 of Condition 13.

3 MEMBER MERCER: Second.

4 CHMN STAFFORD: Further dicussion?

5 (No response.)

6 CHMN STAFFORD: All in favor say aye.

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Hearing none, Condition 13
11 is adopted.

12 Number 14.

13 MEMBER GOLD: Mr. Chairman, I move
14 Condition 14 be adopted.

15 MEMBER MERCER: Second.

16 CHMN STAFFORD: Further discussion?

17 I seem to recall from the testimony that
18 these will be the -- not the weathered steel, but the
19 gray -- I forget what the finish is called -- but that's
20 what the intent is that those tend to blend in better
21 with the desert background?

22 MR. DUNCAN: Yes, that is correct. And we
23 refer to them as dulled gray structures.

24 CHMN STAFFORD: Dulled gray, excellent.

25 All right. All in favor say aye.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 14
5 is adopted.

6 Number 15.

7 MEMBER KRYDER: Mr. Chairman?

8 CHMN STAFFORD: Yes, Member Kryder.

9 MEMBER KRYDER: I move approval of
10 Condition 15.

11 MEMBER GOLD: Second.

12 CHMN STAFFORD: Further dicussion?

13 I believe this is the condition that would
14 also require the washing down of vehicles to avoid
15 spreading invasive species.

16 MEMBER KRYDER: Exactly.

17 CHMN STAFFORD: Is that correct,
18 Mr. Duncan?

19 MR. DUNCAN: That is correct.

20 CHMN STAFFORD: Okay. Excellent.

21 All in favor say aye.

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 15

1 is adopted.

2 Number 16.

3 MEMBER GOLD: Mr. Chairman, I move
4 Condition 16 be adopted.

5 MEMBER KRYDER: Second.

6 CHMN STAFFORD: Further dicussion?

7 (No response.)

8 CHMN STAFFORD: All in favor say aye.

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 16
13 is adopted.

14 Number 17.

15 MEMBER LITTLE: Mr. Chairman, I move
16 Condition 17.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say aye.

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, Condition 17
25 is adopted.

1 Number 18.

2 MEMBER GOLD: Mr. Chairman, I move
3 Condition 18 be adopted.

4 MEMBER KRYDER: Second.

5 CHMN STAFFORD: Further dicussion?

6 (No response.)

7 CHMN STAFFORD: All in favor say aye.

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Condition 18
12 is adopted.

13 Number 19.

14 MEMBER MERCER: Mr. Chairman, I move
15 Condition 19.

16 MEMBER KRYDER: Second.

17 CHMN STAFFORD: Further dicussion?

18 Mr. Derstine, I want to confirm with you
19 that December 1st, 2025, is the correct date for the
20 filing? I seem to recall that APS tends to do all its
21 compliance filings on the same day.

22 MR. DERSTINE: I'm getting word from the
23 boss at the back that that's the correct date.

24 CHMN STAFFORD: Excellent. It's been moved
25 and seconded.

1 Further discussion?

2 (No response.)

3 CHMN STAFFORD: All in favor say aye.

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 19

8 is adopted.

9 Number 20.

10 MEMBER GOLD: Mr. Chairman, I move

11 Condition 20 be adopted.

12 MEMBER KRYDER: Second.

13 CHMN STAFFORD: Further dicussion?

14 (No response.)

15 CHMN STAFFORD: All in favor say aye.

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 20

20 is adopted.

21 Number 21.

22 MEMBER KRYDER: Mr. Chairman, I move

23 Condition 21 be approved.

24 MEMBER MERCER: Second.

25 CHMN STAFFORD: Further dicussion?

1 (No response.)

2 CHMN STAFFORD: All in favor say aye.

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 21

7 is adopted.

8 Number 22.

9 MEMBER MERCER: Mr. Chairman, I move

10 Condition 22.

11 MEMBER GOLD: Second.

12 CHMN STAFFORD: Further dicussion?

13 (No response.)

14 CHMN STAFFORD: All in favor say aye.

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, Condition 22

19 is adopted.

20 MEMBER GOLD: Mr. Chairman, I move

21 Condition 23 be adopted.

22 MEMBER MERCER: Second.

23 CHMN STAFFORD: Further dicussion?

24 (No response.)

25 CHMN STAFFORD: All in favor say aye.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 23
5 is adopted.

6 On to the Findings of Fact and Conclusions
7 of Law.

8 MEMBER LITTLE: Mr. Chairman, I move
9 Finding of Facts No. 1.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: Further dicussion?

12 (No response.)

13 CHMN STAFFORD: All in favor say aye.

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none Finding of
18 Fact and Conclusion of Law No. 1 is adopted.

19 Number 2.

20 MEMBER GOLD: Mr. Chairman, I move Finding
21 of Fact and Conclusion of Law No. 2 be adopted.

22 MEMBER MERCER: Second.

23 CHMN STAFFORD: Further dicussion?

24 (No response.)

25 CHMN STAFFORD: All in favor say aye.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Finding of
5 Fact and Conclusion of Law No. 2 is adopted.
6 Number 3.

7 MEMBER MERCER: Mr. Chairman, I move
8 Finding of Fact and Conclusion of Law No. 3.

9 MEMBER KRYDER: Second.

10 CHMN STAFFORD: Further dicussion?

11 (No response.)

12 CHMN STAFFORD: All in favor say aye.

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Finding of
17 Fact and Conclusion of Law No. 3 is adopted.
18 Number 4.

19 MEMBER KRYDER: Mr. Chairman, I move
20 approval of Finding of Fact and Conclusion of Law No. 4
21 be approved.

22 MEMBER GOLD: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

25 CHMN STAFFORD: All in favor say aye.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Finding of
5 Fact and Conclusion of Law No. 4 is adopted.

6 Number 5.

7 MEMBER GOLD: Mr. Chairman, I move
8 conclusion and finding of fact no. 5 be adopted.

9 MEMBER MERCER: Second.

10 CHMN STAFFORD: Further dicussion?

11 (No response.)

12 CHMN STAFFORD: All in favor say aye.

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Finding of
17 Fact and Conclusion of Law No. 5 is adopted.

18 Number 6.

19 MEMBER MERCER: Mr. Chairman, I move
20 Finding of Fact and Conclusion of Law No. 6.

21 MEMBER KRYDER: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

24 CHMN STAFFORD: All in favor say aye.

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, Finding of
4 Fact and Conclusion of Law No. 6 is adopted.

5 Mr. Derstine, I guess we didn't need No. 7
6 about the substations being nonjurisdictional for this
7 one.

8 MR. DERSTINE: Fair enough.

9 CHMN STAFFORD: All right. Exhibit A. I
10 don't have an Exhibit A attached to Chairman's 1 or 2.
11 What is the Exhibit A the applicant proposes we use?

12 MR. DERSTINE: I think we're efforting to
13 pull it up on the screen right now.

14 CHMN STAFFORD: All right. While you're
15 doing that, let's take a brief recess. It's been about
16 90 minutes. The court reporter needs to get a rest. And
17 I think we may have some checking out to do prior to some
18 deadline where after financial penalties are incurred.
19 Let's take an approximately 15-minute recess.

20 We stand in recess.

21 (Recessed from 10:28 a.m. until 10:55 a.m.)

22 CHMN STAFFORD: All right. Let's go back
23 on the record.

24 We're down to Exhibit A. Mr. Derstine, you
25 want to --

1 MR. DERSTINE: I think we had the -- if the
2 audio team can pull up what was on the screens before we
3 adjourned for the break. We had the map and then the
4 narrative description that goes with the map and then
5 I'll just give the overview, and if there's particular
6 questions about the narrative.

7 So the map follows the route that we've
8 presented to the committee through multiple exhibits,
9 including the application. This is just a, I think a
10 topographic version that shows the corridor that we're
11 requesting for the line, and then so that's on the left
12 screen here in the hearing room, and on the right screen
13 we have the narrative description that, if you recall,
14 Mr. Duncan agreed to take authorship of and prepared for
15 the committee that he has done his best to describe in
16 the narrative the route of the transmission line, as
17 presented in the application.

18 So, Mr. Duncan, do you want to expand,
19 subtract, modify what I've just described.

20 MR. DUNCAN: The only thing I would add is
21 just to say that the narrative is based on known
22 features, such as the highway crossings, making reference
23 to those points, as well as known geographic features,
24 such as some of the peaks that are in the area or river
25 crossings. There are not actually a lot of named

1 geographic points in this area, so it's -- this really is
2 a best effort and additional clarity will be difficult to
3 add.

4 MR. DERSTINE: And I guess the only thing
5 to have you speak to is that Exhibit A, the map, shows
6 the same route that was analyzed and considered in the EA
7 for this project; is that correct?

8 MR. DUNCAN: That is correct.

9 MR. DERSTINE: Okay. And the only change
10 here is that your inset on the map, which is being shown
11 again here in the hearing room on the left screen
12 identifies the 300-foot corridor and what you're asking
13 for is 150 feet, is it on either side of the center line
14 of the proposed transmission line?

15 MR. DUNCAN: Yes, so the -- so the route
16 that is shown on the map, the intent here is that we
17 would be 150 feet on each side for the corridor.

18 MR. DERSTINE: Okay. And so somewhere
19 within that 300-foot corridor will be the, as we go
20 through final engineering and design, would be -- the
21 line would be placed within that corridor, that corridor,
22 then, is also then described in the narrative, which is
23 on the right screen here in the hearing room, and the
24 narrative and the map are intended to work together to
25 describe the transmission line project; is that correct?

1 MR. DUNCAN: Yes, they're meant to work
2 together.

3 MR. DERSTINE: Okay.

4 CHMN STAFFORD: All right. Before we get
5 to Exhibit A really quick. I noticed that we didn't
6 include the corridor and final right-of-way width in the
7 project description. Well, let's -- let's do Exhibit A
8 first and then we'll come clean up the CEC.

9 MR. DERSTINE: Okay.

10 CHMN STAFFORD: So right now we have this
11 is the applicant's proposed Exhibit A, it will be both
12 the map and the narrative?

13 MR. DERSTINE: Yes.

14 CHMN STAFFORD: Excellent.

15 MEMBER HILL: Mr. Chair?

16 CHMN STAFFORD: Yes, Member Hill.

17 MEMBER HILL: I can't see all the detail on
18 my screen. I just wanted to make sure that all of the
19 points described in the narrative appear on the map. So
20 if it says it crosses a creek, that creek is labeled, if
21 it says it's in proximity to XYZ point, I just want -- I
22 can't compare that, but that's just my recommendation,
23 any point of reference in the narrative should be also
24 locatable on the map. That's just a suggestion or a
25 question, if we did that.

1 MR. DUNCAN: Member Hill, I believe all of
2 the reference points are labeled on the map, but in
3 addition to that, we have letters placed along the route
4 at different points that indicate nodes. And those nodes
5 are tied to the description where you see, for instance,
6 a set of parentheses with a capital letter, that
7 corresponds to a node that is then marked on the map. So
8 between the geographic points that are labeled and those
9 nodes, I believe that you can tie the two together
10 easily.

11 MEMBER HILL: Okay. Thank you. I can
12 actually see much better now, so --

13 CHMN STAFFORD: Once you zoom in.

14 MEMBER HILL: There's probably a feature on
15 Zoom, I just don't know what that is.

16 CHMN STAFFORD: I don't know if you can,
17 but they did here, so it shows up on your screen that
18 way.

19 MEMBER HILL: Yeah, much better.

20 MEMBER GOLD: Where is that map?

21 CHMN STAFFORD: This map, is it located
22 someplace else, or is this a new map -- a new version of
23 this map created to be Exhibit A?

24 MR. DERSTINE: Mr. Duncan?

25 MR. DUNCAN: It is a new -- new map to be

1 Exhibit A. The primary difference between this and the
2 corridor map that we have elsewhere is that it does not
3 have the study area shown.

4 MEMBER GOLD: Mr. Chairman, where can I
5 find this map? Which APS exhibit is it?

6 MR. DUNCAN: It is APS-7, Member Gold.

7 MEMBER GOLD: APS-7, what page?

8 MR. DERSTINE: So APS-7 is the -- our
9 original proposed form of CEC and Exhibit A would be at
10 the very end.

11 MEMBER GOLD: I see it. Thank you.

12 CHMN STAFFORD: Excellent.

13 Can I get a motion?

14 MEMBER KRYDER: Mr. Chairman?

15 CHMN STAFFORD: Yes, Member Kryder.

16 MEMBER KRYDER: I move approval of Exhibit
17 A, as has been presented.

18 MEMBER GOLD: Second.

19 CHMN STAFFORD: Further dicussion?

20 (No response.)

21 CHMN STAFFORD: All in favor say aye.

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Exhibit A is

1 adopted.

2 Let's go back to the CEC, if you could pull
3 up Chairman's 2.

4 MR. DERSTINE: And, Mr. Chairman, for
5 the -- for the record, at the break I took the liberty,
6 because we had overlooked Ms. Gillman's appearance that
7 on page 2 --

8 CHMN STAFFORD: Oh, in the introduction,
9 yes.

10 MR. DERSTINE: Line 17, we added
11 Ms. Gillman to that after the reference to Ms. Linda J.
12 Benally. So it says, "Ms. Linda J. Benally and Farris
13 Gillman for the Pinnacle West Capital [sic] Corporation,"
14 so I didn't want to leave her out. She's been here
15 throughout and has been an important part of our -- our
16 project team. So I wanted to make sure she had her
17 reference here in the CEC.

18 CHMN STAFFORD: Excellent.

19 So let's reopen the introduction.

20 MEMBER GOLD: Mr. Chairman, I move we
21 reopen the introduction.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Further dicussion?

24 Can we get a motion to add Ms. Gillman to
25 the list of appearances?

1 MEMBER GOLD: Mr. Chairman, I move we add
2 Ms. Gillman to the list of appearances.

3 MEMBER KRYDER: Second.

4 CHMN STAFFORD: Was that a second from you,
5 Member Kryder?

6 MEMBER KRYDER: Yes, sir.

7 CHMN STAFFORD: Excellent.

8 Further dicussion?

9 (No response.)

10 CHMN STAFFORD: All in favor say aye.

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, the amendment
15 is adopted.

16 Now, let's see, I think that's it for the
17 introduction. Can I get a motion to adopt the
18 introduction as amended.

19 MEMBER GOLD: So moved.

20 MEMBER MERCER: Second.

21 CHMN STAFFORD: Further discussion?

22 (No response.)

23 CHMN STAFFORD: All in favor say aye.

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, the
3 introduction, as amended, is adopted.

4 Can I get a motion to reopen the project
5 description?

6 MEMBER FONTES: So moved.

7 MEMBER KRYDER: Second.

8 MEMBER LITTLE: Second.

9 CHMN STAFFORD: All right. We're relying
10 on the narrative in Exhibit A, but I think after
11 the -- if you're looking at the Chairman's 1, it's going
12 to be page 3, line 6. After Exhibit A, we should insert
13 a new paragraph that says, "The final
14 right-of-way" -- "the final right-of-way width for the
15 project will be" -- it's 100 feet, Mr. Derstine?

16 MR. DERSTINE: That's correct.

17 CHMN STAFFORD: "100 feet." And then the
18 maximum height of the structures will be 100 and -- what
19 does the application say, was it 199? But that's for a
20 500-kV typically.

21 MR. DUNCAN: The right-of-way width that
22 we're suggesting is 100 feet and the corridor is
23 300 feet.

24 MR. DERSTINE: But the height of the
25 structures, Mr. Duncan?

1 MR. DUNCAN: Oh, I'm sorry. The height of
2 structures, average is 130 feet up to 199 feet.

3 CHMN STAFFORD: Okay. So it will just be
4 "the maximum height of the structures will be 199 feet."

5 MEMBER KRYDER: Mr. Chairman?

6 CHMN STAFFORD: Yes, Member Kryder.

7 MEMBER KRYDER: Would you repeat the
8 modification --

9 CHMN STAFFORD: Yes.

10 MEMBER KRYDER: -- in its entirety.

11 CHMN STAFFORD: Yes. So insert a new
12 paragraph after Exhibit A, I guess it would be line 7 of
13 page 3 to read, "The final right-of-way width for the
14 project will be 100 feet. The maximum height of the
15 structures will be 199 feet."

16 MEMBER KRYDER: And the corridor?

17 CHMN STAFFORD: I'm getting -- I'll come to
18 that next.

19 MEMBER KRYDER: Okay. Within a corridor of
20 300 feet?

21 CHMN STAFFORD: We're going to add that in
22 a -- because we didn't -- we're missing the normal
23 Condition 19 that talks about the corridor width and the
24 final right-of-way. I think it's because the CEC they
25 started from was the APS one for the plant that did not

1 include a line, and so that was inadvertently missed, so
2 we're going to add it back in next.

3 So do we have a motion to add the -- to
4 amend the project description?

5 MEMBER KRYDER: So moved.

6 MEMBER GOLD: Second.

7 CHMN STAFFORD: Further dicussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, the amendment
14 is adopted.

15 Can someone move the project description,
16 as amended?

17 MEMBER RICHINS: So moved.

18 MEMBER GOLD: Second.

19 MEMBER FONTES: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

22 MEMBER KRYDER: Yes.

23 CHMN STAFFORD: Yes, Member Kryder.

24 MEMBER KRYDER: Where are you going to
25 speak of the corridor?

1 CHMN STAFFORD: We're going to add back in
2 what was normally Condition 19 next.

3 MEMBER KRYDER: Oh, my mistake. Okay,
4 fine.

5 CHMN STAFFORD: It's been moved and
6 seconded.

7 All in favor say aye.

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, the project
12 description, as amended, is adopted.

13 Moving on to the conditions, what we
14 typically include as Condition 19 is absent. So I
15 suggest we add a new 19 and then renumber the remaining
16 paragraphs. And the new 19 would read, "The designation
17 of the corridor in this Certificate, as shown in Exhibit
18 A, does not authorize a right-of-way greater than
19 100 feet wide for the transmission line nor does it grant
20 the applicant exclusive rights within the corridor
21 outside of the final designated transmission
22 right-of-way."

23 MEMBER KRYDER: Slow down. Designation of
24 the corridor --

25 CHMN STAFFORD: Here. One second.

1 MEMBER GOLD: Do you have to designate the
2 width of the corridor here or make mention of it?

3 CHMN STAFFORD: Well, it's designated in
4 Exhibit A, it's a 300-foot-wide corridor.

5 MR. DERSTINE: Correct.

6 CHMN STAFFORD: Yes.

7 MEMBER GOLD: Because they're not including
8 the corridor in the new Exhibit A. This was what we were
9 looking at, but the new Exhibit A doesn't have --

10 CHMN STAFFORD: It has that same caption in
11 the corner, see.

12 MEMBER GOLD: Oh.

13 CHMN STAFFORD: That's the corridor width.

14 MEMBER GOLD: Okay.

15 CHMN STAFFORD: You don't need to add that
16 last part.

17 MS. CHAULK: Not the last?

18 CHMN STAFFORD: No, just the first
19 sentence.

20 MS. CHAULK: Thank you.

21 MEMBER KRYDER: Mr. Chairman?

22 CHMN STAFFORD: Yes, Member Kryder.

23 MEMBER KRYDER: I move approval of the new
24 Condition 19.

25 MEMBER GOLD: Second.

1 CHMN STAFFORD: Further discussion?

2 Mr. Derstine, that's the correct
3 right-of-way width, 100 feet?

4 MR. DERSTINE: The right-of-way width is
5 100 feet, but I think what you're referencing there is
6 the corridor width of 300 feet, and that's correct.

7 CHMN STAFFORD: Okay. Right. Because
8 corridor -- Exhibit A spells out the 300-foot
9 right-of-way in the caption on the side, correct?

10 MR. DERSTINE: Okay. Yeah, I'm fine with
11 what you have there in 19. I thought you were looking to
12 also address and limit the corridor width or call out
13 what is in Exhibit A as the 300-foot corridor. But I'm
14 fine with the right-of-way discussion here. But I think
15 we also address the right-of-way already up above, did we
16 not?

17 MEMBER LITTLE: Huh-uh.

18 MR. DERSTINE: No? In project description.

19 CHMN STAFFORD: Okay. Let's -- we can go
20 back to that in a second. Let's get this Condition 19
21 put in there. So we have it -- Condition 19, so it
22 reads, "The designation of the corridor in the
23 Certificate as shown in Exhibit A does not authorize a
24 right-of-way greater than 100 feet wide for the
25 transmission line nor does it grant the applicant

1 exclusive rights within the corridor outside of the final
2 designated transmission right-of-way.

3 MR. DERSTINE: So you're just simply
4 relying on the callout of the 300-foot corridor in
5 Exhibit A and indicating here that even though the
6 corridor, as referenced in Exhibit A, we're not entitled
7 to a right-of-way width greater than 100 feet within that
8 300-foot corridor?

9 CHMN STAFFORD: Correct.

10 MR. DERSTINE: Okay. That's fine.

11 MEMBER GOLD: Mr. Derstine, where is
12 Exhibit A again?

13 MR. DERSTINE: It's at the end of your
14 Exhibit 7.

15 MEMBER GOLD: And it does contain that.

16 CHMN STAFFORD: All right. Has this been
17 moved and seconded yet? I don't think so.

18 MEMBER KRYDER: It has not.

19 CHMN STAFFORD: Okay.

20 MEMBER KRYDER: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Kryder.

22 MEMBER KRYDER: I move approval of this
23 modified Condition 19.

24 MEMBER GOLD: Second.

25 CHMN STAFFORD: Further dicussion?

1 (No response.)

2 CHMN STAFFORD: All in favor say aye.

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 19
7 is added.

8 If we go --

9 MEMBER KRYDER: Mr. Chairman?

10 CHMN STAFFORD: Yes, Member Kryder.

11 MEMBER KRYDER: I believe we may want to
12 consider a resolution to renumber everything following or
13 is that not necessary?

14 CHMN STAFFORD: We can make a -- how about
15 a motion to make conforming changes, that should cover
16 it, or it could be covered in the scrivener's errors
17 motion standard too.

18 MEMBER KRYDER: As long as it's approvable.

19 CHMN STAFFORD: Yes.

20 MEMBER KRYDER: Okay. Okay. I think we're
21 good now.

22 CHMN STAFFORD: So do we want to go to the
23 project description and add the corridor width just in --

24 MEMBER LITTLE: Yes.

25 CHMN STAFFORD: -- to make it more clear.

1 MEMBER LITTLE: Yes.

2 MEMBER KRYDER: I think that's a good idea.

3 CHMN STAFFORD: So I think the way to do
4 that would be that second paragraph that we added
5 previously at the beginning of that to add, "The corridor
6 for the project shall be 600 feet wide."

7 MR. DERSTINE: It's 300.

8 CHMN STAFFORD: 300 feet, excuse me.

9 MEMBER KRYDER: Mr. Chairman?

10 CHMN STAFFORD: Yes, Member Kryder.

11 MEMBER KRYDER: Instead of that, could we
12 simply at the end after the "199 feet" add "within a
13 corridor of 300 feet."

14 CHMN STAFFORD: That works too. And that
15 may be even more succinct.

16 Oh, no, you're doing the wrong sentence.
17 It would be the first sentence you're adding it to about
18 the corridor, not the structure height. There you go.

19 MEMBER KRYDER: Yes, 199 was the wrong
20 place. Thank you.

21 CHMN STAFFORD: How about "within a
22 300-foot-wide corridor" or "within the 300-foot-wide
23 corridor."

24 Okay. So the amendment is to change the
25 final -- wait, we need to reopen the project description,

1 don't we? Move that and then move the amendment.

2 MEMBER KRYDER: Mr. Chairman, I move we
3 reopen project description B -- point B.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: All right. Further
6 dicussion?

7 I think we're going to amend it for the
8 second paragraph to read, "The final right-of-way width
9 for the project will be 100 feet within the 300-foot-wide
10 corridor. The maximum height of the structures will be
11 199 feet."

12 MEMBER KRYDER: Mr. Chairman, I move that
13 amendment to project descriptions.

14 MEMBER GOLD: Second.

15 CHMN STAFFORD: Further dicussion?

16 (No response.)

17 CHMN STAFFORD: All in favor say aye.

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, the amended
22 project description is adopted.

23 All right. I think that covers everything.
24 Members, are there any other corrections we need to make?

25 MEMBER GOLD: Don't we have to vote on the

1 CEC?

2 CHMN STAFFORD: The whole thing, yes.
3 Before we do that, we need to make sure we're done making
4 any changes to it.

5 MEMBER GOLD: The scrivener stuff?

6 CHMN STAFFORD: We'll do that last.

7 MEMBER KRYDER: Not yet.

8 CHMN STAFFORD: All right. So can I get a
9 motion to adopt the CEC, as amended?

10 MEMBER GOLD: Mr. Chairman, I move we adopt
11 the CEC, as amended.

12 MEMBER MERCER: Second.

13 CHMN STAFFORD: Further discussion?
14 We'll do a roll call vote.

15 Member Kryder?

16 MEMBER KRYDER: Yes.

17 CHMN STAFFORD: Member Mercer?

18 MEMBER MERCER: Mr. Chairman, can I make
19 some comments?

20 CHMN STAFFORD: Yes, by all means.

21 MEMBER MERCER: So given the -- our
22 jurisdiction, according to the Arizona Revised Statutes,
23 for me it's always hard to listen to the public and their
24 concerns. Nobody wants it in their backyard. Nobody
25 wants to open their window and look at these ugly towers

1 that bring electricity to their -- to their house. And I
2 did have a lot of questions that were addressed and
3 answered either by the applicant or other members of the
4 committee.

5 I now have an understanding of the, you
6 know, the applicant and how they're faced with certain
7 things -- the way they need to do things according to the
8 guidelines by all of these agencies. Now I understand
9 WAPA and their guidelines on the standards that they need
10 to follow. And I appreciate the applicant's explanation.
11 And I understand what their responsibility is. And I
12 know I cannot commingle with WAPA or any of the other
13 rules or regulations that are -- that are faced. And I
14 understand this project and the need for it.

15 And with -- I am satisfied with the -- what
16 we have accomplished. And with that, I vote yes.

17 CHMN STAFFORD: Member Gold?

18 MEMBER GOLD: Yes.

19 CHMN STAFFORD: Member Richins?

20 MEMBER RICHINS: Aye.

21 CHMN STAFFORD: Member Drago?

22 MEMBER DRAGO: Aye.

23 CHMN STAFFORD: Member Little?

24 MEMBER LITTLE: Mr. Chairman, I would also
25 like to make a few comments, please --

1 CHMN STAFFORD: Please.

2 MEMBER LITTLE: -- if I may.

3 I would really like to thank the members of
4 the public who have come forward, you clearly have done a
5 lot of your homework and I appreciate you sharing with us
6 your perspective. And I would really encourage you to
7 actively participate in the NEPA EA process.

8 And I would also encourage the applicant to
9 work with the local residents to determine what, if any,
10 mitigation measures, for example, screening, might be
11 possible if the project is actually built, as proposed.
12 And thank you all, including Peaks, who make it possible
13 for us to attend virtually, and not have to make that
14 long drive.

15 And with that, I vote aye.

16 CHMN STAFFORD: Member French?

17 MEMBER FRENCH: Aye.

18 CHMN STAFFORD: Member Fontes?

19 MEMBER FONTES: Mr. Chairman, a couple
20 comments.

21 CHMN STAFFORD: Please proceed.

22 MEMBER FONTES: I've made the note before,
23 and I'm making it just not for APS, but for other
24 attorneys and applicants. Western Area Power
25 Administration has appeared before this committee on

1 behalf of applicants, as APS does for independent power
2 projects. I thought it would have been invaluable to
3 have them here in this similar capacity since they are
4 the interconnection. But, more importantly, because they
5 are the lead agency for the -- the NEPA.

6 So in the future, Mr. Derstine, the
7 recommendation to your clients is invite them, reach out
8 to the general counsel there, John Kral, Kral@WAPA.gov,
9 K-r-a-l@WAPA.gov. And I'm sure they would be more than
10 happy to provide you inputs in this forum.

11 With that, Mr. Chairman, I vote aye.

12 CHMN STAFFORD: Member Hill?

13 MEMBER HILL: Aye.

14 CHMN STAFFORD: And I vote aye.

15 By a vote of 10 to 0, the CEC is approved.

16 Thank you very much to the applicant, the
17 public for coming and participating in the process. It
18 seems like --

19 MEMBER KRYDER: Scrivener's errors.

20 CHMN STAFFORD: Oh, yes. We need to do
21 that. I think that -- I thank the mine for participating
22 in the limited capacity by filing their limited
23 participation -- limited appearance.

24 And with that, I would ask the members for
25 a motion to allow the Chair to correct any scrivener's

1 errors.

2 MEMBER MERCER: So moved.

3 MEMBER KRYDER: Second.

4 MEMBER FONTES: Second.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

7 CHMN STAFFORD: All in favor say aye.

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, the motion

12 carries.

13 Any closing comments from members or the

14 applicant?

15 (No response.)

16 CHMN STAFFORD: Thank you all very much.

17 Thanks to Peaks again. We appreciate all that you do

18 behind the scenes. And, of course, our court reporter.

19 With that, we are adjourned.

20 (The hearing concluded at 11:22 a.m.)

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1 STATE OF ARIZONA)
COUNTY OF MARICOPA)

2

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 to
the best of my skill and ability; that the proceedings
were taken down by me in shorthand and thereafter reduced
to print under my direction.

7

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

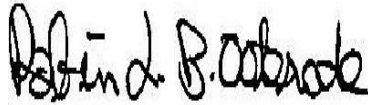
9

10 I CERTIFY that I have complied with the ethical
11 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
12 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this
13 2nd day of November, 2024.

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

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

20

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GLENNIE REPORTING SERVICES, LLC
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Arizona RRF No. R1035

25