

1 BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LS-259

2 LINE SITING COMMITTEE

3 IN THE MATTER OF THE APPLICATION OF )DOCKET NO.  
 4 ARIZONA PUBLIC SERVICE COMPANY, IN )L-00000D-22-0253  
 5 CONFORMANCE WITH THE REQUIREMENTS )00209  
 6 OF ARIZONA REVISED STATUTES 40-360, )  
 7 ET SEQ., FOR A CERTIFICATE OF )  
 8 ENVIRONMENTAL COMPATIBILITY )  
 9 AUTHORIZING THE RUNWAY TRANSMISSION )  
 10 PROJECT, WHICH CONSISTS OF A NEW, )  
 11 APPROXIMATELY 4.5-MILE-LONG, ) CASE NO. 209  
 12 DOUBLE-CIRCUIT 230KV TRANSMISSION )  
 13 LINE CONNECTING THE EXISTING AND )  
 14 PLANNED EXPANSION OF THE APS )  
 15 230KV RUNWAY SUBSTATION LOCATED )  
 16 NORTHEAST OF WEST BROADWAY ROAD )  
 17 AND SOUTH BULLARD, A VENUE IN )  
 18 GOODYEAR, MARICOPA COUNTY, ARIZONA )  
 19 TO THE EXISTING APS WHITE TANKS TO ) PREHEARING  
 20 WEST PHOENIX 230KV TRANSMISSION ) CONFERENCE  
 21 LINE. )  
 22 \_\_\_\_\_ )

14 At: Phoenix, Arizona

15 Date: November 2, 2022

16 Filed: November 7, 2022

17

18 REPORTER'S TRANSCRIPT OF PROCEEDINGS

19 (Pages 1 through 21)

20

21

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INDEX TO EXHIBITS

(None)

1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Power Plant and Transmission Line Siting  
4 Committee, commencing at 3:00 p.m. on the 2nd of  
5 November, 2022.

6  
7 BEFORE: PAUL A. KATZ, Chairman

8 APPEARANCES:

9 For the Applicant:

10 SNELL & WILMER, LLP  
11 Mr. J. Matthew Derstine  
12 Ms. Gourjia Odisho  
13 400 East Van Buren Street, Suite 1900  
14 Phoenix, Arizona 85004

15 and

16 PINNACLE WEST CAPITAL CORPORATION  
17 Ms. Linda J. Benally, Senior Attorney  
18 400 North 5th Street  
19 Phoenix, Arizona 85004

20 For the Arizona Corporation Commission Staff:

21 Mr. Max G. Carpinelli  
22 Ms. Teresa Brown  
23 Staff Attorney, Legal Division  
24 1200 West Washington Street  
25 Phoenix, Arizona 85007

Also Present:

21 Ms. Victoria Casteel, Environmental Consultant, SWCA  
22 Mr. Stephen Eich, Transmission & Facility Siting  
23 Consultant, APS  
24 Mr. Devin Petry, Southwest Business Development  
25 Director, SWCA  
Mr. David Wiley, Electrical Engineer, APS  
Mr. Tod Brewer, Assistant to Chairman Katz  
Ms. Lisa Glennie, Glennie Reporting Services, LLC

1 CHMN KATZ: I would ask Mr. Derstine, if he  
2 would, to please -- well, we're on the record.

3 This is the time for the Prehearing Conference  
4 in CEC Number 209. It's the APS Runway Project, which  
5 will be on the west side of Maricopa County. And I would  
6 ask Mr. Derstine -- it's "Derstine," right? I don't want  
7 to screw it up today.

8 MR. DERSTINE: I say Derstine, but I hear all --

9 CHMN KATZ: All right. Derstine works fine.

10 Anyway, with that all being said, is here on  
11 behalf of the applicant, Arizona Public Service. And I  
12 also did see Linda Benally, who is in-house counsel; is  
13 that correct, Ms. Benally?

14 MS. BENALLY: That is correct.

15 CHMN KATZ: And, if you can, I'll have  
16 you -- well, I also have Max Carpinelli present for the  
17 Arizona Corporation Commission. But I'll then allow you,  
18 if you can, Mr. Derstine, to identify everyone else that  
19 might be appearing on behalf of the applicant.

20 MR. DERSTINE: Sure. Thank you.

21 Showing up first, in no particular order, or not  
22 the list of my favorites from top to bottom, I've got  
23 Stephen Eich, who is with Arizona Public Service Company.  
24 Devin Petry with SWCA. Victoria Casteel, SWCA.  
25 Ms. Gourjia Odisho, who is with Snell & Wilmer. I have

1 David Wiley, who is with Arizona Public Service Company.  
2 And I see M. Brown, but I don't know M. Brown, so I'll  
3 let M. Brown indicate who they are, and who they're with.

4 MR. CARPINELLI: I'll introduce, Teresa Brown is  
5 a staff member assigned to this matter.

6 MR. DERSTINE: Okay.

7 CHMN KATZ: And there is also Lisa Glennie.

8 MR. DERSTINE: I think that's showing up as the  
9 court reporter, but --

10 CHMN KATZ: Robin --

11 THE REPORTER: Yes, she's with -- I'm with  
12 Glennie Reporting.

13 MR. BREWER: Mr. Chairman, this is Tod. Lisa  
14 Glennie is with the court reporter's office.

15 CHMN KATZ: That's fine. Not a problem.

16 And I am assuming that we're still going forward  
17 with the hearing at the -- I thought I wrote it down.  
18 Oh, okay, at the Hilton Garden Inn in Goodyear, Arizona.  
19 That's where we're going to be meeting; is that correct?

20 MR. DERSTINE: That's correct, Chairman. We're  
21 scheduled -- it's noticed out for the hearing to start on  
22 November the 14th at 1:00.

23 CHMN KATZ: And we have lodging arrangements for  
24 Committee members that need such lodging. I'm likely  
25 going to be commuting and carpooling with Leonard Drago,

1 one of the Committee members. But at this juncture, I  
2 could handle going back and forth to Goodyear. I have a  
3 hearing later on in Avondale, I'm not sure I want to  
4 travel that distance from Scottsdale.

5 Have there been any requests to intervene?

6 MR. DERSTINE: No.

7 CHMN KATZ: And our hearing is going to begin on  
8 March -- what am I saying -- our hearing is going to  
9 begin on, it's the 14th of November, correct, of this  
10 year?

11 MR. DERSTINE: That's right.

12 CHMN KATZ: And how many days do you think that  
13 hearing is likely going to take?

14 MR. DERSTINE: You know, I -- I think it depends  
15 if the Committee desires to have a tour. We have made  
16 the preparations for a tour. I know with some of the  
17 more recent gen-tie projects, the Committee has voted not  
18 to take a tour. This project takes place in the area of  
19 Goodyear and Avondale, so my sense is that members of the  
20 Committee may want to have a tour. If that's the case,  
21 then I'm guessing that this could -- we could be  
22 concluded on Wednesday, late, or Thursday morning.

23 CHMN KATZ: Okay. And just -- we'll get back to  
24 that. I don't think you need to agree, though, that if  
25 we go on time, that the Committee has until March 28th of

1 next year to act in compliance with ARS Section  
2 40-360.04(d). We'll probably issue the CEC before the  
3 hearing is over, so we're not going to -- it's highly  
4 unlikely it will be taken under advisement, and we'll be  
5 laying on top of it for several months. Probably most --  
6 we'll resolve it before we end the hearing, and we'll  
7 then send the CECs back to me, and I will review. And  
8 Tod and I will edit, as necessary, sign them, and get  
9 them back to the applicant or to counsel.

10 Who are the affected jurisdictions and have they  
11 all been notified?

12 MR. DERSTINE: All of the affected jurisdictions  
13 have been notified. The key affected jurisdictions are  
14 City of Goodyear, City of Avondale, and Maricopa County.  
15 We've also included and provided notice to Flood Control  
16 District of Maricopa County, City of Phoenix Aviation  
17 Department, Union Pacific Railroad, and Maricopa County  
18 Department of Transportation.

19 CHMN KATZ: Okay. And I'm assuming that there  
20 has been statutory compliance with Arizona Section  
21 40-360.04(a), and the procedural order with respect to  
22 posting and publishing the requirements of the procedural  
23 order?

24 MR. DERSTINE: There has. I want to just, you  
25 know, raise for your attention, we did file a notice -- a

1 formal notice in the docket concerning our e-mail  
2 communication with your office. There was a -- the  
3 technical term is a foul-up by the Arizona Republic in  
4 failing to publish the entire notice of hearing. But our  
5 view is that it captured all of the critical information  
6 in terms of the hearing date, time, location, as well as  
7 the various websites and additional places and where  
8 individuals could obtain additional notice.

9 And then we -- once we learned of the failure to  
10 publish the entire notice, we then republished the entire  
11 notice of hearing again with the Republic on the 14th and  
12 the 15th. In addition to the publications in the  
13 Republic, there was a publication in the West Valley View  
14 on October the 5th.

15 CHMN KATZ: Okay. And have signs been posted in  
16 public view --

17 MR. DERSTINE: Yes.

18 CHMN KATZ: -- that's relatively easily  
19 accessible?

20 MR. DERSTINE: Yes. We posted the signs in all  
21 of the locations well in advance of the hearing date at  
22 the locations that we had identified in our prefiling  
23 conference.

24 CHMN KATZ: And I don't think there's any need,  
25 unless you want to discuss it, to review the agenda



1 because it's a pretty much standard agenda that we'll be  
2 beginning this matter at 1:00 p.m. on the 14th and then  
3 every day thereafter at 9:00 in the morning until we are  
4 done. Public -- public comment will be on the -- at 5:30  
5 on the first day of our hearing, correct?

6 MR. DERSTINE: Correct.

7 CHMN KATZ: And I'm assuming that we are  
8 prepared for the hearing and we'll have appropriate and  
9 necessary IT support and the ability for the public, as  
10 well as Committee members, to participate or observe  
11 virtually, correct?

12 MR. DERSTINE: That's correct. We have Peak  
13 Audio, who will be handling the virtual hearing feed for  
14 the hearing, as well as for public comment, and that was  
15 included in the notice of hearing.

16 CHMN KATZ: Now, how many miles is this line?  
17 I'm just asking because I wanted to know if we decide to  
18 take a tour, what are the tour logistics, just in very  
19 general terms, and how -- how long of a transmission line  
20 is this?

21 MR. DERSTINE: The project is just under 5  
22 miles, 4.5 miles, approximately.

23 We would anticipate the tour would take about  
24 the morning, three hours, approximately. I think we have  
25 the tour that we proposed. Let's see here, check my

1 notes, I think we have -- it looks like we have six stops  
2 proposed that should give the Committee a good  
3 understanding of the route that's followed by the project  
4 as it travels. I don't know if we're starting on the  
5 east side or the west side, let me see here. The tour  
6 would stop at -- or start at El Sol Road, near the Runway  
7 Substation, that's on the Microsoft Data Center site, so  
8 that's on the -- on the western side. And then it would  
9 finish up when we get back to the Hilton Garden Inn, but  
10 it will finish up at route stop number 5, so I guess  
11 there's five route stops, and then getting us back to the  
12 hotel. The last stop is near the Agua Fria River at East  
13 Western Avenue.

14 CHMN KATZ: Do the lines run fairly close to any  
15 single family or high-density residential communities or  
16 the like? Because a lot of our lines where we haven't  
17 taken tours is it's either because they're short or  
18 because they're in the middle of nowhere, and I'm  
19 assuming that this isn't in the middle of nowhere, but I  
20 don't know whether it runs parallel or adjacent to any  
21 already existing high-voltage lines and the like. So  
22 give me an idea of what your thoughts are.

23 MR. DERSTINE: It generally does follow major  
24 surface streets or roads, but there is some residential  
25 development in the area. I'll ask Mr. Petry if he can

1 indicate, how close are we, Mr. Petry, to some of  
2 the -- is the project to the closest residential  
3 subdivisions or developments?

4 MR. PETRY: Yes, thank you, Mr. Derstine.

5 You know, we had designed the route to try to  
6 avoid any sort of residential areas, to the extent  
7 possible, and it does largely follow, in areas where  
8 possible, existing transmission infrastructure or  
9 roadways. The nearest residential area is a catty-corner  
10 residential development to the project, it's  
11 approximately a quarter mile away from proposed project  
12 facilities at one intersection corner. But, for the most  
13 part, outside of that area the project is following  
14 existing transmission infrastructure and largely avoids  
15 residential areas.

16 I think you're muted, Mr. Chairman.

17 CHMN KATZ: Can you hear me now? I think I have  
18 unmuted myself.

19 MR. DERSTINE: We gotcha.

20 CHMN KATZ: My experience is, in many of these  
21 hearings I have discussed the matter at a hearing such as  
22 the one we're having right now, and decided that it's  
23 best for counsel to advise the Committee whether or not  
24 he or she thinks that a tour would be helpful. But if  
25 we're going to take the tour, we would probably do it at

1 about 9:00 or 9:30 or somewhere between 9:00 and 10:00,  
2 probably 9:00 or 9:30 on the -- on Tuesday, the second  
3 day of the hearing. But do you think it would be  
4 beneficial? The last several we haven't done it, but  
5 they were either on La Paz County property or out in the  
6 middle of the desert.

7 MR. DERSTINE: I do think the Committee would  
8 find it beneficial --

9 CHMN KATZ: Okay.

10 MR. DERSTINE: -- just given the nature of the  
11 project. It's very different than, yeah, than a gen-tie  
12 lineup, you know --

13 CHMN KATZ: I understand. The hearing that  
14 we're doing next week has -- well, there's two separate  
15 hearings, but it's the same applicant, and one line is  
16 about 350 feet and the other about 450 feet, which shows  
17 you how ridiculous it is for this type of expenditure,  
18 and the large number of people involved, and the cost of  
19 IT and hotels. That one next week -- both of those next  
20 week are going to probably each take about a day and a  
21 half with no tour, and it makes no sense. But that's my  
22 editorial comment for the day.

23 I know we'll have adequate WiFi coverage with  
24 the IT people that we are working with. And our -- and  
25 if you want daily transcripts, you're going to need to

1 make those arrangements with the court reporter. But for  
2 everyone's sanity, we will break approximately every  
3 90 minutes, so that we save our court reporter's hands  
4 and all of us stay awake.

5 Are there any other issues regarding the hearing  
6 itself that we need to discuss?

7 MR. DERSTINE: None that I can think of. We can  
8 communicate with Tod. I think it may be helpful for us  
9 to know how many Committee members will be appearing  
10 virtually. You may -- you or Tod may not know that as of  
11 this date. We have -- I think we have four room  
12 reservations at the hearing site, the Hilton Garden Inn,  
13 if there's a Committee member who changes their mind and  
14 wants to, I think we can still try to make those  
15 arrangements, but I think it helps us also with just  
16 giving Peak Audio the heads up on how many Committee  
17 members might be appearing virtually, as well it helps us  
18 in setting up the hearing room in terms of how many mics  
19 we need set up for the Committee.

20 CHMN KATZ: Do you have any idea, Tod? I don't.

21 MR. BREWER: Mr. Chairman, I'm only aware of one  
22 Committee member that will be there virtually.

23 CHMN KATZ: And who is that, just so I know?

24 MR. BREWER: Member Little.

25 CHMN KATZ: Right. And I don't know whether

1 Mr. Grinnell will come up from Tucson or not, but  
2 whatever, we will see.

3 MR. DERSTINE: Okay.

4 CHMN KATZ: And I don't need to remind you,  
5 suits and ties are not necessary. Mr. Derstine has  
6 learned that. Ms. Benally has learned that. So we don't  
7 need you to look real pretty, just neat and clean, and  
8 ready to go forward. And don't need you to prepare a  
9 spreadsheet for each segment of the line. That's not  
10 appropriate for this type of a hearing.

11 And I have received witness summaries from you.  
12 And there aren't exhibits to be exchanged, but with  
13 respect to the exhibits, I would hope that we have  
14 exhibit -- at least I need one exhibit notebook, and  
15 maybe one or two extras, but we don't need copies for  
16 every Committee member. Most of the Committee members  
17 are happy -- well, I didn't ask you, but are we going to  
18 have tablets such as Surface Pros or iPads?

19 MR. DERSTINE: We'll have iPads.

20 CHMN KATZ: And we'll also have the big screens,  
21 television monitors and big screens. So anybody  
22 appearing virtually will be able, as well as those there,  
23 will be able to follow along.

24 And have you just numbered your exhibits AP or  
25 APS 1, 2, 3, 4, 5, et cetera?

1 MR. DERSTINE: Right.

2 CHMN KATZ: I'm just looking at my checklist and  
3 I'm checking all these not applicable.

4 Are there any other legal issues -- there aren't  
5 any outstanding legal issues, correct? Other than  
6 resolving whether or not a CEC will be issued and how it  
7 will read?

8 MR. DERSTINE: That's right. No other legal  
9 issue.

10 MS. BENALLY: Mr. Chairman, I just would like to  
11 add that --

12 CHMN KATZ: Sure.

13 MS. BENALLY: -- in compliance with your  
14 procedural order, we did submit a summary of public  
15 comment received to date, as well as the route tour and  
16 route map. Those were provided to your office yesterday.

17 CHMN KATZ: Okay. And, Tod, I don't know  
18 whether I have those or not. I can take a look before I  
19 leave today.

20 MR. BREWER: You do, Mr. Chairman.

21 CHMN KATZ: Okay. And will those be in the  
22 notebook or do I need to print them?

23 MS. BENALLY: No, they will be provided in the  
24 notebook, but we're just complying with your order that  
25 you receive them.

1 CHMN KATZ: Right. But I'm just asking, Tod  
2 prepares a notebook for me, and will those be in it or do  
3 I need to print those?

4 MR. BREWER: No, Mr. Chairman, I'll include that  
5 in your notebook.

6 CHMN KATZ: Thank you kindly. And I just have  
7 another page of a few things. I'm assuming that all  
8 necessary financial arrangements have been made with the  
9 Corporation Commission, and that the Commission has been  
10 given notice of this hearing. And I'm sure that that is  
11 the case.

12 Mr. Carpinelli, would you agree that that has  
13 occurred?

14 MR. CARPINELLI: I can confirm we've received  
15 notice of the hearings, as it's posted on the docket. As  
16 far as the fees, I don't personally know, but if it's in  
17 the docket, it should reflect that.

18 CHMN KATZ: Right. And I'm sure, Mr. Derstine,  
19 you have made those necessary arrangements with the  
20 Commission, correct?

21 MR. DERSTINE: We have.

22 CHMN KATZ: Okay. I don't -- I've been skipping  
23 the next part of this little checklist. I don't think we  
24 accomplish much by trying to review the proposed CEC at  
25 this time. Most of the CECs for these types of lines are



1 pretty standard, and I know that your draft will  
2 reference prior CECs in which that language has been  
3 used. And if there are any special conditions or  
4 findings of fact and conclusions of law, we will listen  
5 to what the Committee members have to say and the  
6 applicant has to say. And we will adjust things as might  
7 be necessary. But I don't think we gain much by going  
8 through the entire CEC at this time.

9 Has the applicant made all required applications  
10 for state, federal, and local permits, as we sit here  
11 right now? I know that a lot of those permits may not  
12 have been issued yet, but I'm assuming that application  
13 has been made for any and all required, federal, state,  
14 county, city, or town permits.

15 MR. DERSTINE: I think the status is that we  
16 have applied for all the permits that are -- you know,  
17 that are in play at the moment, but at this stage we  
18 typically wouldn't apply for any of the construction or  
19 similarly related permits until the process moves along  
20 and we've obtained the CEC. There's also a permit, I  
21 think, required for the construction in the river bottom.  
22 That will be made timely, but there are no significant  
23 federal permits or permitting issues related to the  
24 project.

25 CHMN KATZ: Right. And I'm mainly concerned

1 with anything that might be required environmentally or  
2 by way of zoning and approval by the entities that the  
3 lines will be running through. So it appears that that's  
4 been done.

5 MR. DERSTINE: Yeah.

6 CHMN KATZ: And no federal funding and no  
7 federal lands, so we don't need a NEPA report?

8 MR. DERSTINE: Correct.

9 CHMN KATZ: Okay. And as I said earlier, all of  
10 the Committee members don't require notebooks. I  
11 generally like one, even though I'm happy to work off of  
12 the screens and off of a -- iPads or Surface Pros, but  
13 Tod and I like to keep a wonderful library, a hard-bound  
14 library. We'll keep a copy of the application and the  
15 exhibits. So I'd like to make sure that I have those  
16 available.

17 And, Tod, I couldn't find a copy -- I didn't  
18 print it, and I didn't -- I couldn't find -- our office  
19 is in chaos right now. I'm going to be gone for two  
20 weeks at hearings. I have to pack up everything in my  
21 office, because they're tearing out our ceilings and our  
22 lights and putting in new LEDs in our ceilings, and we  
23 could be out of the office anywhere from a few weeks to a  
24 couple of months.

25 So, Tod, I just don't know where the application

1 is. I can't find it anywhere. So I don't know if we  
2 have a notebook copy of it or not.

3 MR. BREWER: I have an additional copy,  
4 Mr. Chairman.

5 CHMN KATZ: Okay. Just make sure that by the  
6 end of the week I get that, along with my hearing  
7 notebook. And if I need to be of any assistance to you,  
8 I will be in the office today -- I mean, tomorrow and  
9 Friday.

10 MR. BREWER: Thank you, Mr. Chair.

11 CHMN KATZ: Okay. Are there any other issues  
12 that we need to discuss?

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

14 Ms. Benally?

15 MS. BENALLY: I don't have anything further,  
16 thank you.

17 CHMN KATZ: Okay. Well, thank you very much,  
18 and if there are any matters that become of concern, you  
19 can get in touch with Tod, and Tod will be able to get in  
20 touch with me while I'm at the hearing. These next two  
21 hearings are in Tempe, so I won't be far away, and I can  
22 also check my e-mails every day.

23 Anyway, thank you all. Look forward to seeing  
24 you in about, what, two weeks?

25 MR. DERSTINE: Yes. Thank you.

1 CHMN KATZ: You all take care. Bye-bye. The  
2 meeting is adjourned.

3 (Proceedings concluded at 2:25 p.m.)  
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1 STATE OF ARIZONA )  
COUNTY OF MARICOPA )

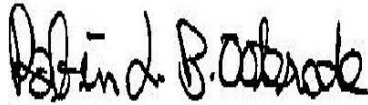
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4 BE IT KNOWN that the foregoing proceedings were  
5 taken before me; that the foregoing pages are a full,  
6 true, and accurate record of the proceedings all done to  
the best of my skill and ability; that the proceedings  
were taken down by me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

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

9 I CERTIFY that I have complied with the ethical  
10 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206  
11 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this  
4th day of November, 2022.

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14

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

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\* \* \* \* \*

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

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GLENNIE REPORTING SERVICES, LLC  
Registered Reporting Firm  
Arizona RRF No. R1035

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