

1 BEFORE THE ARIZONA POWER PLANT

LS-248

2 AND TRANSMISSION LINE SITING COMMITTEE

3

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

14 At: Phoenix, Arizona

15 Date: September 27, 2022

16 Filed: October 5, 2022

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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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 10:02 a.m. on September 27, 2022,
5 with all participants appearing via videoconference.

6

7 BEFORE: PAUL A. KATZ, Chairman

8

9 APPEARANCES:

10 For the Applicant:

11 SNELL & WILMER, L.L.P.
12 Mr. J. Matthew Derstine
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, MS 8695
19 Phoenix, Arizona 85004

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22 ALSO PRESENT:

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24 Mr. Stephen Eich, Transmission & Facility Siting
25 Consultant, APS
26 Ms. Anna Chaulk, Federal/State Senior Regulatory
27 Analyst, APS
28 Ms. Aileen De Los Angeles, Paralegal, APS
29 Ms. Victoria Casteel, Environmental Consultant, SWCA
30 Mr. Tod Brewer, assistant to Chairman Katz
31 Ms. Marta Hetzer, Glennie Reporting Services, LLC
32 Ms. Lisa Glennie, Glennie Reporting Services, LLC

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1 CHMN. KATZ: We can go on the record right
2 now, if you're ready.

3 THE COURT REPORTER: Sure.

4 CHMN. KATZ: And I would ask counsel, who I
5 already spoke with very briefly, to identify himself for
6 the record and indicate on whose behalf he is appearing
7 here this morning.

8 And this is the prefiling conference for the
9 APS Runway Project. And I think it will become CEC 210,
10 but I won't swear to it. But it looks like that would
11 likely be its upcoming number.

12 Mr. Derstine?

13 MR. DERSTINE: Good morning, Chairman.
14 Yeah, Matt Derstine, Snell & Wilmer, appearing on behalf
15 of Arizona Public Service company. I can run through the
16 list of the other APS folks if you'd like.

17 (Zoom announcement that Ms. Benally joined
18 the meeting.)

19 CHMN. KATZ: We can have -- I thought I saw
20 Ms. Benally.

21 MR. DERSTINE: She's here, yeah.

22 CHMN. KATZ: Okay.

23 MR. BREWER: I believe she's just coming
24 back on, Mr. Chairman.

25 CHMN. KATZ: Okay, I think she went off, but

1 we'll --

2 I don't think you need to introduce
3 everybody, Mr. Derstine.

4 MR. DERSTINE: Okay.

5 CHMN. KATZ: If they have something to say
6 we can make sure we, for the record, identify who they
7 are.

8 Should we wait for Ms. Benally?

9 MR. DERSTINE: I think -- I think Mr. Brewer
10 is right, that she just rejoined. I think she's back on.
11 Let me see here.

12 MS. BENALLY: Good morning. Can everyone
13 hear me?

14 CHMN. KATZ: Yeah.

15 MR. DERSTINE: Yes.

16 CHMN. KATZ: Are you there by phone,
17 Ms. Benally?

18 MS. BENALLY: I am. I apologize, I am
19 having technology issues. So it looks like I'm on both
20 the link as well as the phone, but I will silence and
21 mute --

22 CHMN. KATZ: Okay.

23 MS. BENALLY: -- my camera.

24 CHMN. KATZ: All righty.

25 MS. BENALLY: Thank you.

1 CHMN. KATZ: Sounds good.

2 Anyway, are there any possible intervenors
3 in this matter that we are aware of, Mr. Derstine?

4 MR. DERSTINE: No, Mr. Chairman.

5 CHMN. KATZ: And has there been much, if
6 any, public interest expressed so far? And I know the
7 notice of hearing hasn't gone out, but have there been --
8 has there been much, if any, public interest that you're
9 aware of?

10 MR. DERSTINE: I think the -- the project
11 team has done a good job of having public outreach and
12 engagement through virtual open houses as well as
13 communications with stakeholders. I know we have support
14 currently from the City of Avondale and the City of
15 Goodyear for the project, but I don't know that -- I don't
16 think we've had any real extensive interest from residents
17 or -- or other stakeholders concerning the project.

18 CHMN. KATZ: And the interested parties in
19 this matter that we have to give notification to, I'm
20 assuming they are Goodyear, Avondale, Maricopa County.

21 MR. DERSTINE: Yeah. In terms of our
22 affected jurisdictions, you're right. It's the City of
23 Goodyear, the City of Avondale, and then we've included a
24 few other agencies: Flood Control District of Maricopa
25 County; Maricopa County; as well as the City of Phoenix

1 Aviation Department for the Goodyear airport; and then
2 UPR, Union Pacific Railroad; and then the Maricopa County
3 Department of Transportation. I think those are the --
4 who we have thrown into the bucket of affected
5 jurisdictions.

6 CHMN. KATZ: Okay. And I have received
7 three maps from you and we can treat the first one, which
8 I believe -- I forgot to note which one that -- I forgot
9 to -- I forgot to put on the top when I wrote -- it was
10 the APS Runway Project. I forgot what the first one is,
11 and it's a map that has a blue --

12 I don't know if you can see that or not.

13 MR. DERSTINE: Yep, I can. I think that's
14 our proposed -- Oh, okay. That's the study and
15 notification area.

16 CHMN. KATZ: Okay.

17 MR. DERSTINE: If you'd like to start there,
18 that's fine.

19 CHMN. KATZ: We'll make that Exhibit --
20 Prefiling Exhibit 1.

21 The second one is -- Unfortunately, I don't
22 know what --

23 MR. DERSTINE: Yeah, got it. Proposed route
24 map? That's fine.

25 CHMN. KATZ: Okay. And that will be

1 Prefiling Exhibit 2.

2 And the third one I think is the -- the sign
3 postings.

4 MR. DERSTINE: Sounds right.

5 CHMN. KATZ: And we will make sure to get
6 those. That will be Exhibit -- the loca -- The map with
7 the sign postings will be Prefiling Exhibit 3. And make
8 sure to get those to the court reporter, although I think
9 they might have come from the court reporter to me. But
10 we will -- we need to make sure that the court reporter or
11 the firm gets those.

12 And I have reviewed the draft notice of
13 hearing and I discussed it briefly with Tod. I noticed
14 that we've omitted the COVID language. I don't think we
15 need to add it back in. If we end up with any type of
16 major resurgence of COVID we might need to post an
17 additional notice some time before the hearing, but right
18 now I'm comfortable with eliminating that, and I think
19 that I will authorize Tod to go ahead and -- I will go
20 ahead and sign that, so we should be fine.

21 Where has publications taken place -- where
22 have publications taken place or will they take place?

23 MR. DERSTINE: Yeah, that --

24 CHMN. KATZ: I don't have the notice of
25 hearing yet, but --

1 THE COURT REPORTER: I'm sorry, sir, can you
2 say that again, the last part.

3 CHMN. KATZ: Yeah. I was just wondering
4 what newspapers or other local papers the notice of
5 hearing will be posted in.

6 MR. DERSTINE: Yeah, so the -- the plan is
7 to publish the notice of hearing that you have just
8 touched upon with the West Valley View; the first the
9 publication on October 5. And then Arizona Republic
10 publication dates on October 5 and October the 7th.

11 CHMN. KATZ: Okay.

12 MR. DERSTINE: So those are our two
13 publications within the ten-day window.

14 CHMN. KATZ: Right. And we have the Exhibit
15 3 map that shows where signs will be posted. And notice
16 of -- I already asked you who the affected jurisdictions
17 were.

18 MR. DERSTINE: Right.

19 CHMN. KATZ: I'm assuming that all of the
20 folks you mentioned, including Goodyear, Avondale, various
21 Maricopa County agencies, the City of Phoenix regarding
22 the Goodyear airport, and Union Pacific?

23 MR. DERSTINE: Yes.

24 CHMN. KATZ: Okay. And our hearing -- I
25 didn't pay close attention when I reviewed the -- Hilton

1 Garden Inn in Avondale?

2 MR. DERSTINE: That's right, yes. Hilton
3 Garden Inn. It's 11460 Hilton Way, Avondale, Arizona.

4 CHMN. KATZ: Okay. And we're going to be --
5 Again, this was November 14th?

6 MR. DERSTINE: Correct. Scheduled to start
7 on the 14th, 1:00 o'clock. I think we have estimated it
8 at three days. This isn't, you know, one of your gen-tie
9 cases which were going to be done in three hours, but I
10 don't -- I don't think we're going to run too long. I
11 think, you know, some of this, as you know, the -- the
12 duration of the hearing will depend on whether the
13 committee desires to have a tour. My -- my guess is that
14 your committee members will want to have a tour.

15 This line is a little over four miles. It's
16 being constructed running from an existing line on the
17 east side through Avondale into -- into Goodyear,
18 connecting to an existing substation at a -- at the
19 Microsoft datacenter that's being expanded. So it -- it
20 crosses, you know, commercial business and some
21 residential areas there in the West Valley, and so this
22 may be a project in which the committee thinks it's
23 appropriate to go out on a route tour, and we'll be
24 prepared to -- to lead that if -- if that's the vote.

25 CHMN. KATZ: And if we decide to do that,

1 I'm assuming we would do that on Tuesday, November
2 the 15th, at 9:00 or 9:30 a.m. Does that make sense,
3 likely, or --

4 MR. DERSTINE: Yes. I think we'd be
5 prepared to have the vehicle and -- and a map or a route
6 tour ready to go first thing Tuesday morning after you
7 have -- the committee has about a half day of testimony
8 to -- to hear from us about the project.

9 CHMN. KATZ: Okay. And Tod, do we have a
10 date for a prehearing conference?

11 MR. BREWER: Thank you, Mr. Chairman. I
12 believe that we had talked about November the 4th. But --
13 if my memory serves correctly, Mr. Chairman, you had a
14 conflict with that date so we were looking at resetting to
15 November the 2nd.

16 CHMN. KATZ: What do I -- I -- What do I
17 have November the 4th? I don't know --

18 MR. BREWER: I believe it was a personal
19 matter that you had.

20 CHMN. KATZ: I'll take a look. I don't
21 recall what I have. October -- Okay. Just give me a
22 minute. I don't know what I have on November the 4th.
23 Let me just take a look at my calendar, if I can get
24 there.

25 MR. DERSTINE: Yeah, Tod, that's what I -- I

1 think we penciled in November the 4th at 3:00 p.m., but
2 I -- you know, as always, subject to change. That -- that
3 time works for us, but I'm sure others will too.

4 CHMN. KATZ: Oh, okay, yeah. Marsh -- No,
5 on the 4th I have an appeal and the appellant's opening
6 brief is due on the 4th. And will we still -- Wait a
7 minute, though. Let me back up.

8 I don't have anything on March 4th that's a
9 conflict, Tod.

10 MR. BREWER: I believe it was a doctor's
11 appointment, Mr. Chairman.

12 CHMN. KATZ: I don't see anything on
13 November -- I mean, I have -- October 3rd I'm having my
14 back surgery. And then I have some appointments with Mayo
15 Clinic start -- Sorry that I'm exploring here, but --

16 Yeah, I have medical appointments in
17 October, including the surgery. I don't have any -- I'm
18 not showing any conflict for October [sic] the 4th.

19 MR. BREWER: Okay. Then we can just leave
20 that for the 4th at 3:00 o'clock.

21 CHMN. KATZ: Okay. And if I come up with
22 anything I'll have you contact Mr. Derstine and
23 Ms. Benally and we'll pick an alternative date.

24 I'm assuming that there are no pending
25 litigation disputes at this time.

1 MR. DERSTINE: That's correct.

2 CHMN. KATZ: And the application, if you
3 have tablets of some type, we probably don't need -- The
4 committee is pretty comfortable in not having hard copies.
5 I will always need one hard copy of the application. And
6 I will need a hard copy -- I don't need it in advance, but
7 I'll need a hard copy of the exhibits once those are ready
8 to go. And if we do have tablets, such as an iPad, the
9 committee members are usually very comfortable with
10 viewing exhibits online. And they are oftentimes
11 projected on a screen. Keep in mind that some of our
12 applicants are from out of town and they may appear
13 virtually, so they will need to be able to see any
14 displays that we are posting.

15 I will work with Tod to draft the procedural
16 order and we'll at some point in time need to -- We need
17 to -- on or before the prehearing conference, we will need
18 a draft of the proposed CEC or CECs.

19 And the public comment, I'm assuming we'll
20 have it on our first day of the hearing at 5:30 p.m.?

21 MR. DERSTINE: I believe the draft notice of
22 hearing that we have submitted schedules the public
23 comment at 5:30 on that first day of the hearing, correct.

24 CHMN. KATZ: Right. And have -- has your
25 client or have you on their behalf applied for all

1 required permits, even if they haven't been granted?

2 MR. DERSTINE: This project doesn't involve
3 any federal permits. There will be some, you know,
4 secondary permits.

5 Mr. Eich, do I recall that we need some sort
6 of a permit for crossing the river there at our
7 interconnection point on the east?

8 And that's probably the -- the most
9 significant permit, but we will be applying for that.

10 Is that right, Stephen?

11 MR. EICH: Yes, that's right. And we've had
12 preliminary discussions with them about that.

13 CHMN. KATZ: And no federal lands are
14 involved and no federal moneys are involved, so I don't
15 think we need to worry about NEPA.

16 And I'm assuming that we will have one of
17 our regular high-tech groups that can make sure we have
18 adequate Wi-Fi hot spots, laptop access to the Docket
19 Control, et cetera.

20 MR. DERSTINE: That's correct. Peak Audio
21 will be handling the AV and virtual hearing.

22 CHMN. KATZ: And we need to make sure that
23 our court reporting company gets copies of -- of final
24 transcripts of conferences and hearings so that the
25 applicant will post them or can post them on their

1 website.

2 MR. DERSTINE: Yes, we will coordinate.

3 I guess Ms. Marnell, Madam Court Reporter,
4 we'll need to get some updated contact information so we
5 can get that information, documents, exhibits, et cetera,
6 to you directly.

7 CHMN. KATZ: Sounds good.

8 Does anybody -- Ms. Benally, do you or
9 Mr. Derstine -- I'll ask you first, Ms. Benally -- have
10 any other concerns, questions or things that you need to
11 call to my attention?

12 Hearing silence, I'm assuming that we're in
13 pretty good shape. If for any reason --

14 Just so you know, I'm having a minimally
15 invasive, so they say, back surgery on October the 3rd, a
16 week from -- well, next Monday, and I'll probably be home
17 that week. And then I'm getting a ride for the hearing up
18 in Flagstaff that will follow. And according to my
19 doctor, the only pain I should feel is from the incision,
20 the fusion of the SI joint. I shouldn't have any pain
21 other than the healing of that wound. So I'm hoping I'm
22 able to go forward with all of the scheduled hearings. If
23 anything should come up, I'll make sure to let Tod know
24 and he will let all of the interested parties know as
25 well. But outside of that, I think we're ready to go.

1 MR. DERSTINE: All right. Turning back --

2 Well, first, we wish you the best with your
3 surgery and we hope it is minimally invasive and minimally
4 painful in -- during the recovery period.

5 Did you want to cover -- We talked about the
6 notice of hearing. We had Exhibit 2, which is the route.
7 I don't think we need to cover that. We do have our -- in
8 Exhibit 3, our sign location map.

9 CHMN. KATZ: Right.

10 MR. DERSTINE: If you want to touch on that
11 we can --

12 CHMN. KATZ: I don't --

13 MR. DERSTINE: -- screen that.

14 CHMN. KATZ: I trust that you will have
15 those posted where indicated on the map and they will be
16 in prominent locations that are easily accessible without
17 causing a car accident or a traffic jam.

18 MR. DERSTINE: Yeah, we -- as -- Oftentimes
19 we struggle with finding a suitable location at certain
20 locations along the route where we can safely put the
21 sign, obtain the appropriate permits to put a sign in --
22 in road right-of-way or somewhere close to road
23 right-of-way and yet still have it in a location where
24 people can see it. We've got a couple of those, but we're
25 doing our very best, you know, I think, as to -- Other

1 than those two locations where we may have to adjust from
2 the map that we have marked as Exhibit 3, we'll -- we'll
3 endeavor to find the best location for all of our signs
4 and they will largely follow what's indicated on Exhibit 3
5 to this prefiling conference. We may have some adjustment
6 as to sign locations eight and nine, and we're just, you
7 know, doing the field work and doing what we can to make
8 sure we've got the best spot for those signs.

9 CHMN. KATZ: And obviously the notice of
10 hearing is going to get posted on the applicant's website.
11 You have had or -- and will be having virtual open houses
12 or some type of phone line available if the public has any
13 inquiries. And with the mailings to people within the
14 area, I'm pretty confident that the signs will be the
15 least of our worries. I mean, it's important to post
16 them, but I think most people get notice by mail or at the
17 public library or at other locations. So I'm not --

18 MR. DERSTINE: Agreed.

19 CHMN. KATZ: -- overly concerned.

20 Okay. We will see you folks again on
21 November 4th. I'll verify that I don't have anything
22 pending, but I don't believe I have any medical
23 appointment set for November as of yet. So we will see
24 you in a couple of weeks. And I'll get prepared and --
25 looking forward to getting this matter started.

1 MR. DERSTINE: Thank you.

2 CHMN. KATZ: Thank you all.

3 Anything, Tod, that we forgot?

4 MR. BREWER: I don't believe so,

5 Mr. Chairman.

6 I did have a question for Mr. Derstine.

7 When are your -- is your proposed publication date?

8 MR. DERSTINE: Tod, I rattled those off

9 pretty quick, so let me go back to them and --

10 CHMN. KATZ: October 5th and 7th.

11 MR. DERSTINE: You're right.

12 So we've got --

13 MR. BREWER: Thank you, Mr. Chairman.

14 MR. DERSTINE: Yeah, with West Valley View

15 and the Republic on October the 5th, and then the second

16 publication is in the Republic on the 7th, Tod. So we

17 have three total; just one publication in the West Valley

18 View and two in the Republic.

19 MR. BREWER: Thank you.

20 CHMN. KATZ: Okay. Thank you all. Have a

21 good rest of the week. Or at least a good rest of the

22 day. Talk to you-all later. Take care. Bye-bye.

23 MR. DERSTINE: Thank you.

24 (The prefiling conference concluded at

25 10:25 a.m.)

1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF YAVAPAI)

4 BE IT KNOWN that the foregoing proceedings are a
5 full, true, and accurate record of the proceedings, all
6 done to the best of my skill and ability; that the
7 proceedings were transcribed and reduced to print under my
8 direction.

9 I CERTIFY that I am in no way related to, nor
10 employed by any of the parties hereto, and have no
11 interest in the outcome thereof.

12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-209(F)(3) and ACJA
14 7-209(J)(1)(g)(1) and (2).

15 Dated at Prescott, Arizona, this 29th day of
16 September, 2022.

17 

18 JILL MARNELL
19 Certified Reporter #50021
20 Registered Professional Reporter

21 * * * * *

22 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has
23 complied with the in ACJA
24 7-209(J)(1)(g)(1)

25 

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