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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 at the Hampton Inn & Suites, 2000 North  
5 Litchfield Road, Goodyear, Arizona, commencing at  
6 9:12 a.m. on the 5th day of October, 2021.

7

8 BEFORE: PAUL A. KATZ, Chairman

9 ZACHARY BRANUM, Arizona Corporation Commission  
(via videoconference)  
10 LEONARD DRAGO, Department of Environmental Quality  
(via videoconference)  
11 JOHN RIGGINS, Arizona Department of Water Resources  
(via videoconference)  
12 JAMES PALMER, Agriculture Interests  
MARY HAMWAY, Incorporated Cities and Towns  
13 RICK GRINNELL, Counties  
(via videoconference)  
14 KARL GENTLES, General Public  
(via videoconference)  
15 JACK HAENICHEN, General Public  
MARGARET "TOBY" LITTLE, PE, General Public  
16 (via videoconference)

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1 CHMN. KATZ: We'll go back on the record at  
2 this time.

3 And everybody is present either -- that was  
4 here yesterday either in the room with us or appearing  
5 virtually. And everybody that is present has agreed that  
6 we can dispense with hard copies of the exhibits for  
7 future hearings. But if anybody wants to get a hard  
8 copy, just let Linda or Matt know that, and we'll be  
9 happy to prepare that. But they don't want to be running  
10 20 or 25 copies of these if we can avoid wasting the  
11 paper.

12 That all being said, Counsel, if you're ready,  
13 please feel free to call your next witness.

14 MS. BENALLY: Thank you, Mr. Chairman.

15 Good morning, Committee Members. Thank you for  
16 being here, those who are appearing virtually as well as  
17 in the room.

18 I'd like to start this morning with our  
19 environmental witness. We'll have two individuals.  
20 However, we still do have Mr. Wiley and Mr. Eich also  
21 seated at witness table in the event there are questions  
22 that are -- that are answered by either one of those  
23 individuals.

24

25

1 DAVID WILEY, STEPHEN EICH, PAUL TRENTER,  
2 AND TERESA O'NEIL,  
3 called as a witness panel herein, having been previously  
4 duly sworn en masse by the Chairman to speak the whole  
5 truth and nothing but the truth, was examined and  
6 testified as follows:

7

8 DIRECT EXAMINATION (Cont.)

9 BY MS. BENALLY:

10 Q. I'd like to start with Mr. Trenter this  
11 morning, once I get the slides up on the right screen  
12 coordinated with the left side.

13 Okay. Thank you.

14 So, Mr. Trenter, we'll start with you.

15 Yesterday you were sworn in, and you introduced  
16 yourself to the Committee. This morning, to start, would  
17 you share with the Committee a brief description of EPG.

18 A. (By Mr. Trenter) Certainly.

19 Good morning. Environmental Planning Group is  
20 an interdisciplinary planning and permitting firm that  
21 originated in Phoenix in 1999.

22 I recently went through a transition with the  
23 company. Terracon purchased our company and now we're a  
24 subsidiary of Terracon. Terracon has offices throughout  
25 the U.S., 5,000 employees. Pretty robust company.

1 Environmental Planning Group has provided  
2 testimony on numerous occasions in front of this Siting  
3 Committee, and we assisted APS in the preparation of this  
4 application.

5 Q. Since you've noted that EPG assisted APS with  
6 the development of the CEC application before the  
7 Committee today, would you describe what your role or  
8 EPG's role was with respect to the project and also to  
9 the filing of the application.

10 A. (By Mr. Trenter) Certainly.

11 We assisted APS in the development of the  
12 environmental sections or exhibits of the application,  
13 participated in the public planning process, and produced  
14 the virtual tour.

15 Up on the left-hand screen are a list of the  
16 exhibits that EPG prepared. And today, Ms. O'Neil will  
17 be covering land use, Exhibits A and B. I will be  
18 covering biological resources, Exhibits C and D.  
19 Ms. O'Neil will cover visual resources, Exhibit E. And I  
20 will cover the remainder of cultural recreation and  
21 existing plans.

22 Q. Okay. Thank you for that.

23 Is there anything further you would like to  
24 testify to at this point, Mr. Trenter?

25 A. (By Mr. Trenter) no, thank you.

1 MS. BENALLY: So I believe we're ready to  
2 transition to Ms. O'Neil.

3 Q. BY MS. BENALLY: Ms. O'Neil, you were sworn in  
4 yesterday and continue in that capacity today?

5 (By Ms. O'Neil) (Witness nodded in the  
6 affirmative.)

7 Q. So let's start with the map that's on the  
8 right-hand screen and just restate generally the study  
9 area and other parameters of that map.

10 A. (By Ms. O'Neil) Be happy to.

11 The right-hand screen shows land ownership  
12 within the study area. Land ownership map was  
13 Exhibit A-1 of the CEC application.

14 The black dash line illustrates the extent of  
15 the study area boundary.

16 As you can see on the legend of this map, the  
17 various publicly owned lands are shown in a variety of  
18 hatch patterns with State-owned lands along I-10,  
19 County-owned lands along the Agua Fria River, City of  
20 Goodyear-owned lands north of I-10, City of Avondale  
21 lands to the east of the Agua Fria River.

22 And as you can see from this map by the amount  
23 of lands that do not have a hatch pattern on them, the  
24 vast majority of lands within the city are privately  
25 owned.

1           The next map is a map that shows jurisdiction  
2 within the study area. The jurisdiction map is  
3 Exhibit A-2 of the CEC application.

4           I want to point out that the project  
5 alternatives are shown on this map in blue and white dash  
6 lines along I-10, along Bullard Avenue, and along Van  
7 Buren Street. This is all project alternatives. And  
8 you'll note that these -- all project alternatives are  
9 exclusively within two jurisdictions. That is, under the  
10 jurisdiction of the City of Goodyear in the western  
11 portion of the project area shown in the blue shaded  
12 area. And to the east, it's within the jurisdiction of  
13 the City of Avondale in the pink shaded area.

14           Additional other jurisdictions that are within  
15 the study area but not traversed by project alternatives  
16 include the City of Litchfield here in the darker pink  
17 north and pockets of County-owned -- or lands under the  
18 County jurisdiction along the Agua Fria River.

19           Q.     Ms. O'Neil, I believe Mr. Eich will be speaking  
20 to this later, but you mentioned the City of Litchfield  
21 as well as I believe Maricopa Flood Control District,  
22 County of -- or, I mean Flood Control District of  
23 Maricopa County. They were affected jurisdictions but  
24 not directly affected. And although they were included  
25 the notices, they were not directly impacted; is that

1 correct?

2 A. (By Ms. O'Neil) Correct.

3 A. (By Mr. Eich) If I may ...

4 Q. Mr. Eich.

5 A. (By Mr. Eich) The Flood Control District of  
6 Maricopa County was affected, but Maricopa County itself  
7 was not.

8 Q. Thank you for that clarification, Mr. Eich.  
9 So now that we've talked about land ownership  
10 and jurisdiction, will you take a moment and summarize  
11 EPG's findings regarding existing land use.

12 A. (By Ms. O'Neil) Be happy to.

13 This map, Exhibit A-3 in the CEC application,  
14 showing existing land use in the study area, the eastern  
15 portion of the study area, you'll see red -- the red  
16 polygons. Those illustrate commercially developed lands  
17 along major transportation routes such as I-10,  
18 Litchfield Road, Dysart Road, and Van Buren Street.

19 And emanating out from that central corridor,  
20 there's residential areas shown in tan, various shades of  
21 tan, to the north of McDowell Road to the west of the  
22 Compass Datacenter and to the south of Van Buren Street.

23 The closest residential areas of development  
24 within the study area is directly south of I-10 and  
25 directly south of Van Buren Street.

1           The western portion of the project area, you'll  
2 see in light green there's agricultural land.

3           And in purple, light industrial.

4           This -- the western portion of the project area  
5 is -- as Mr. Eich mentioned yesterday, it's an area  
6 that's in transition from agricultural to light  
7 industrial.

8           Existing utilities within the study area  
9 include three high-voltage transmission lines along the  
10 Agua Fria River, a 69kV transmission line along the north  
11 side of Van Buren Street, and a 69kv transmission line  
12 along the western portion of Bullard Avenue south of  
13 Van Buren.

14         Q.     Ms. O'Neil, the existing structures that you  
15 mentioned -- or existing utilities, pardon me -- running  
16 along Van Buren Street and along Bullard Avenue, those  
17 are the utilities that will be used to collocate the new  
18 proposed line; is that correct?

19         A.     (By Ms. O'Neil) Yes, it is.

20         Q.     And I apologize if I missed this, but did you  
21 cover the open space?

22         A.     (By Ms. O'Neil) No, I did not.

23         Q.     Would you please cover that.

24         A.     (By Ms. O'Neil) Open space land exists in the  
25 project area along Agua Fria River and north of I-10.

1 And at one point -- Mr. Trenter has mentioned this  
2 yesterday at one point, the City of Goodyear had an  
3 intention -- had plans to develop those lands into a  
4 health and wellness park. And since, those plans are  
5 not -- no longer in place for development of a park north  
6 of I-10.

7 MEMBER HAMWAY: Mr. Chairman.

8 CHMN. KATZ: Yes, Ms. Hamway.

9 MEMBER HAMWAY: I have a question.

10 So I'm looking and comparing your land use map  
11 with the placemat, and I can identify the -- is it  
12 "Compass" or "Campus"?

13 MS. O'NEIL: Compass.

14 MEMBER HAMWAY: -- Compass Datacenter. But  
15 they have on the placemat -- it's all yellow, and you  
16 have a light green, which I'm trying to figure out is --  
17 is that agriculture? Is that the right color for that?

18 MS. O'NEIL: Yeah, light green is agricultural.

19 MEMBER HAMWAY: Okay, so that's the existing.

20 So is there a current zoning change? Or does  
21 the map -- does the placemat depict all the land that  
22 Compass has purchased? Or -- what I'm trying to get at  
23 is, the area -- the yellow area on the placemat is not  
24 the same size as your existing map, and I'm just trying  
25 to understand what I'm looking at and why do I care and

1 if I do care.

2 MS. O'NEIL: Yeah. The yellow is the full  
3 extent of the Compass Datacenter site. And this land is  
4 not fully built out at this point. The Compass  
5 Datacenter site is not fully built out. But that is  
6 some -- it is all industrial that is in the area that's  
7 transitioning and will be all industrial when --

8 MEMBER HAMWAY: So do they own it now?

9 MS. O'NEIL: They do.

10 MEMBER HAMWAY: Okay.

11 MR. TRENTER: They do.

12 And, Member Hamway, they did go through a  
13 zoning process for that parcel.

14 MEMBER HAMWAY: Okay.

15 MR. TRENTER: And that's been approved for that  
16 use. The underlying use is being used for ag until they  
17 develop it into their facilities.

18 MEMBER HAMWAY: Okay. It was just a little bit  
19 confusing for me. Thanks.

20 MR. TRENTER: You're welcome.

21 Q. BY MS. BENALLY: Ms. O'Neil.

22 A. (By Ms. O'Neil) Yes.

23 Q. In response to Member Hamway's question, if you  
24 look at Exhibit A-3 -- it's up on the screen -- that does  
25 not depict the Compass Center -- pardon me -- the Compass

1 Datacenter site; is that correct?

2 A. (By Ms. O'Neil) Correct.

3 Q. But if you look at the prior map, which I  
4 believe is Exhibit A-2, that depicts the Compass  
5 Datacenter site; is that correct?

6 A. (By Ms. O'Neil) Yes, it is.

7 Q. And I believe that is sort of the question that  
8 is stemming from Committee Member Hamway, right, the fact  
9 that the Compass Datacenter was not notated in the  
10 existing land use that's --

11 MEMBER HAMWAY: Well, it implied that -- I  
12 mean, the placement implies it's all under contract --  
13 you know, they own all of -- or they have access to all  
14 of it. That map shows part of it is still agriculture.  
15 That was where my question was coming from.

16 CHMN. KATZ: And, again, that was Member  
17 Hamway.

18 Q. BY MS. BENALLY: Do you have anything further  
19 regarding existing land use, or are you ready to share  
20 your conclusions, Ms. O'Neil?

21 A. (By Ms. O'Neil) I'm ready to move to  
22 conclusions.

23 Q. So please state your conclusions regarding  
24 whether the project is compatible with existing land  
25 uses, please.

1           A.       (By Ms. O'Neil) Yes. All project alternatives  
2 are consistent with existing land uses. They are to be  
3 collocated with existing linear features, including the  
4 interstate and existing 69 kilovolt transmission lines.  
5 They require no right-of-way on residential properties.  
6 They minimize impact to commercial properties along Van  
7 Buren through use of existing -- replacement of an  
8 existing 69 kilovolt transmission line and placement on  
9 the edge of those parcels.

10                   All alternatives are outside of ADOT's  
11 controlled access plan, other than the aerial crossing,  
12 and they are compliant with Phoenix Goodyear Airport's  
13 master plan and FAA regulations for secure airspace.

14           Q.       Do you have conclusions specific to the  
15 preferred route?

16           A.       (By Ms. O'Neil) Yes. The preferred route  
17 differs from -- it has fewer right-of-way impacts on  
18 properties, fewer impacts to properties, and it impacts  
19 fewer commercial properties along I-10.

20                   MEMBER HAENICHEN: Mr. Chairman.

21                   CHMN. KATZ: Yes, Member Haenichen.

22                   MEMBER HAENICHEN: Ms. O'Neil, roughly, how  
23 close do the proposed lines in the preferred route come  
24 to the nearest residence?

25                   MS. O'NEIL: The preferred route. It would be

1 the distance of the interstate or the distance of  
2 Van Buren -- the width of Van Buren Street.

3 So in those locations where the preferred  
4 alternative is closest to residential development is the  
5 Desert Sage Apartments that were mentioned yesterday just  
6 south of the interstate.

7 The preferred alternative at that point is on  
8 the northern side. So I don't have that exact number,  
9 but --

10 MEMBER HAENICHEN: So roughly how many feet is  
11 that?

12 MS. O'NEIL: I will -- I will have to get back  
13 to you on that exact distance rather than guess.

14 MR. EICH: This is Stephen Eich. I did take a  
15 Google measurement of that, and it's roughly 500 feet.

16 CHMN. KATZ: Member Haenichen, any further  
17 questions?

18 (No response.)

19 CHMN. KATZ: You may proceed.

20 Q. BY MS. BENALLY: So, Ms. O'Neil, now that  
21 you've covered existing land use, did EPG study the  
22 impact of the project on future land use?

23 A. (By Ms. O'Neil) Yes, we did. We reviewed the  
24 general plan for the City of Goodyear and the City of  
25 Avondale. And the project alternatives are located in an

1 area that has been identified for targeted growth within  
2 those jurisdictions, including job centers along I-10, a  
3 job -- a designated job center along I-10 and north of  
4 the City of Goodyear -- sorry, Phoenix Goodyear Airport.

5 And the reason that Avondale and the City of  
6 Goodyear have identified this area for targeted growth,  
7 meaning -- or certain types of development, commercial,  
8 business, industrial, this is where they are going to see  
9 that occur first in their jurisdictions, is to take  
10 advantage of existing infrastructure. And if there  
11 are -- if there are expenses for that existing  
12 infrastructure, to take advantage of the proximity to  
13 I-10 and the proximity to Phoenix Goodyear Airport.

14 And all planned land uses are considered to be  
15 compatible with that future land use, specifically, the  
16 zoning overlay for the study area is one that  
17 encourages -- is looking for business and commerce to  
18 occur within the study area as well as industrial land  
19 uses.

20 Q. Ms. O'Neil, when you testified earlier  
21 regarding existing land use and now looking at future  
22 land use, is it your testimony, then, that this area is  
23 rapidly developing and it is also evolving and perhaps  
24 changes from agricultural to commercial/light industrial?

25 A. (By Ms. O'Neil) Yes.

1 Q. And what is your conclusion regarding whether  
2 the project is compatible with the planned land uses?

3 A. (By Ms. O'Neil) All project alternatives are  
4 compatible with the planned land uses.

5 Q. Thank you.

6 MS. BENALLY: So I believe we're ready now to  
7 move back to Mr. Trenter.

8 Q. BY MS. BENALLY: And you'll be covering  
9 biological resources, which are marked as Exhibits C and  
10 D in APS's application?

11 A. (By Mr. Trenter) Yes.

12 Q. One of the requirements for the CEC application  
13 is to evaluate the impact of the project on areas of  
14 biological wildlife and fish -- wildlife and plant life.

15 Can you walk us through those studies that EPG  
16 performed.

17 A. (By Mr. Trenter) Certainly.

18 We started out with the secondary database  
19 research from the Arizona Game and Fish Department's  
20 database as well as the U.S. Fish and Wildlife Service.

21 We then went to the field and conducted  
22 surveys. And I think the only meaningful special status  
23 species that was identified was the burrowing owl, which  
24 is exhibited on the right-hand screen.

25 When we looked at the study area, we also

1 identified that the Agua Fria River, in the state that  
2 it's at where we cross the river, is not intact.

3 Mr. Derstine showed some wildlife refuge yesterday that  
4 was further down at the confluence of the Three Rivers.  
5 This area is nothing like that. It's very intermittent  
6 with water.

7 And so, overall, because of the development  
8 nature of the area from commercial business and what have  
9 you and then the agricultural lands, we really didn't  
10 identify any areas protected for the benefit of wildlife.  
11 And, as I had mentioned, we identified suitable habitat  
12 and agricultural lands for the burrowing owl.

13 Q. Mr. Trenter, given the fact that there are  
14 burrowing owls within the project, are there any  
15 mitigation measures that are required to reduce the  
16 impact?

17 A. (By Mr. Trenter) Yes. It's pretty typical to  
18 do preconstruction surveys. And if burrowing owls are  
19 identified, then they are relocated and moved off site to  
20 mitigate the effect of any added harm to that species.

21 Q. And I believe there's also a condition in APS's  
22 CEC application that speaks directly to following the  
23 Arizona Game and Fish requirements; is that correct?

24 A. (By Mr. Trenter) That's correct.

25 Q. Okay. Thank you.

1 So would you please summarize your conclusion  
2 regarding whether the project is compatible with wildlife  
3 and plant species and any affected habitat.

4 A. (By Mr. Trenter) Yes, the project is  
5 considered to be compatible, all the alternatives, for  
6 that matter.

7 We didn't find any areas of threatened or  
8 endangered species or habitats. Wildlife and plant  
9 species will not be affected. And we will build the  
10 project according to the Avian Power Line Interaction  
11 Committee suggested practices. And what that really  
12 means is there's provisions so that the bigger raptors  
13 are protected when you construct in that manner.

14 And I think the important note on the bottom is  
15 we will comply with the Arizona Game and Fish  
16 recommendations.

17 And there are a couple letters of  
18 correspondence in the exhibits. APS-18, we received a  
19 response from the Arizona Game and Fish with concern of  
20 crossing the river adjacent to bridges at both I-10 and  
21 Van Buren. And, specifically, the concern was for bat  
22 colonies and swallow nests that would be associated with  
23 the bridges.

24 After we received the letter, we sent our  
25 biologists back out into the field to make sure or to

1 identify if there were any bat colonies, and there were  
2 not, and then subsequently look at if there were any  
3 swallow nests. There were remnant nests that had been  
4 removed.

5           And as part of the email that you can see on  
6 the right-hand side of the screen, with further  
7 correspondence with Arizona Game and Fish, they  
8 recommended that if the project is built within 50 feet  
9 of any of the bridges, that there's -- there's a breeding  
10 habitat for the swallow that's between March and July,  
11 and they recommended that you do not construct during  
12 that time period if the project's built within 50 feet of  
13 either of the bridges.

14           MEMBER HAMWAY: Excuse me. Is it planned to be  
15 built within 50 feet?

16           MR. TRENTER: No, that's -- Member Hamway,  
17 that's why we have those areas of such large corridors --

18           MEMBER HAMWAY: Right.

19           MR. TRENTER: -- because they don't know the  
20 exact location at this point.

21           MEMBER HAMWAY: Right.

22           MS. BENALLY: So at this point, I believe we  
23 are ready to go move on to the visual impact study, which  
24 I believe we'll get back to you, Ms. O'Neil.

25           Q.     BY MS. BENALLY: Would you please describe

1 EPG's findings regarding visual resources, Ms. O'Neil.

2 A. (By Ms. O'Neil) I'd be happy to.

3 Our visual resource study took into  
4 consideration three things:

5 First, we took into consideration the scenery  
6 and scenic quality within the study area, since it also  
7 took into consideration sensitive viewers and then  
8 finally project components. And the scenery was the  
9 existing land form vegetation features, and the scenic  
10 quality was the viewing of those features.

11 "Sensitive viewers" generally refers to the  
12 specific user groups of people who live or travel or  
13 recreate within the study area and are generally  
14 considered sensitive to changes in the scenery.

15 The screening of alternatives that Mr. Eich  
16 discussed yesterday helped to minimize visual impacts  
17 through the reduction of alternatives that went through  
18 residential neighborhoods and in closer proximity to many  
19 recreational facilities as well.

20 Lastly, the project features were analyzed for  
21 the potential to change. Scenery -- we looked at the  
22 degree the project features would either repeat or match  
23 the existing forms in the landscape or contrast with  
24 features in the landscape.

25 In the areas where the project alternative

1 would replace an existing line, it is not adding new  
2 elements, new visual elements, into the landscape. And  
3 that's considered a weak visual contrast and a low visual  
4 impact.

5           In areas like Interstate 10, where the project  
6 is already -- the study area is already influenced by the  
7 highway itself, which is -- there are no scenic routes  
8 within the study area which are influenced by the  
9 interstate as well as the commercial development adjacent  
10 to it and, in the future, further commercial development  
11 likely, that is considered a moderate visual contrast.  
12 The addition of the project to that vicinity is  
13 considered a moderate visual impact -- a moderate  
14 contrast and a moderate visual impact.

15           The most discerning factor between the three  
16 alternatives for visual resources is the proximity to the  
17 sensitive visual resources that both Mr. Eich and  
18 Mr. Trenter mentioned yesterday just directly south of  
19 the interstate, and the proposed -- the preferred route  
20 is the furthest from that sensitive residential property.

21           Q.     Ms. O'Neil, so is your testimony that the areas  
22 that were considered originally in the large -- larger  
23 study area that Mr. Eich presented yesterday and the  
24 links that were considered, they were eliminated because  
25 of the visual impacts that could potentially occur as a

1 result of the project if it were built in those areas  
2 that were eventually not included as the final potential  
3 routes?

4 A. (By Ms. O'Neil) Certainly. There were  
5 several -- there were two -- two stages of the reduction  
6 of project alternatives.

7 And, initially, it was not -- the visual  
8 resources was certainly not a factor in that first  
9 reduction. It was to do with the airport, the proximity  
10 to the airport and the proximity -- the ability to build  
11 through the residential -- residential areas.

12 In the second round of reductions, it's my  
13 understanding that the feedback from the public and from  
14 different various stakeholders did help further reduce  
15 those links. And that would have included a  
16 consideration of visual impacts or consideration of  
17 scenery.

18 Q. And is your testimony also that because of the  
19 location of the routes, all routes, the preferred as well  
20 as the two alternatives, due to the screening of the  
21 commercial development that already exists in that area,  
22 the visual impacts are I believe you said low; is that  
23 correct?

24 A. (By Ms. O'Neil) Certainly along Van Buren.  
25 There's a -- there's a couple of factors.

1           One is the project is replacing an existing  
2 transmission line, so that feature already exists. The  
3 structures that it's replacing -- the 230kV will replace  
4 the 69kV. The structure will be larger. The  
5 distribution lines will be buried, and the 69kV lines  
6 will be collocated on those structures. So that change  
7 is considered a weak contrast.

8           Q.     Thank you.

9           And then let's move up to the I-10 corridor.  
10 Because it's running along an established freeway and you  
11 have, you know, another profile there already, is your  
12 testimony that the visual impacts would be low? And if  
13 I'm not characterizing that correctly, please use the  
14 right term.

15          A.     (By Ms. O'Neil) Certainly.

16           We would characterize that as a moderate  
17 contrast because there's a new element, a tall vertical  
18 element, within that landscape.

19          Q.     Thank you.

20           So would you wrap up the visual impact  
21 discussion by stating your conclusions regarding the  
22 visual impacts of this project.

23          A.     (By Ms. O'Neil) Certainly.

24           That all project alternatives would be  
25 substantially collocated with existing linear features.

1 90 percent of the project would be collocated with either  
2 a highway or an existing transmission line. The  
3 preferred alternative further reduces impacts to  
4 sensitive visual resources located south of I-10.

5 MEMBER HAENICHEN: Mr. Chairman.

6 CHMN. KATZ: Yes, Member Haenichen.

7 MEMBER HAENICHEN: Yesterday, we were shown  
8 images of some of the structures that would be used. And  
9 my recollection is that they went as high as 195 feet.  
10 But earlier, I had asked the question of how tall will  
11 the structures that are used in this project be, and it  
12 was a number well below that.

13 What's the disparity here? Could they be 195  
14 feet?

15 MS. O'NEIL: It is my understanding they could  
16 be up to 195 feet, and I will defer that question to  
17 Mr. Eich.

18 MR. EICH: Yes, thank you.

19 Member Haenichen, we anticipate from  
20 preliminary engineering reviews that the majority of the  
21 structures would be somewhere between 125 to 140 feet.

22 The reason for that variance up to 195 feet is  
23 particularly in the riverbed area where the elevation is  
24 much lower in the river. Therefore, bringing the wires  
25 up high enough to span the river would be higher than

1 that typical 125 to 140 feet, particularly in that area.

2 Outside of that, we -- we don't anticipate  
3 poles needing to be much beyond that 125 to 140. And  
4 even within the river, it could be less -- far less than  
5 195. We just don't know for sure yet until we have an  
6 official engineering and design on that.

7 MEMBER HAENICHEN: I'm still a little  
8 uncomfortable with that answer because, theoretically, it  
9 could be 195 feet anywhere.

10 MR. TRENTER: If I may, Member Haenichen, and I  
11 think one of the limiting factors is the airport to the  
12 south, and we had to work with the FAA and give them  
13 structural locations and heights. And there is a  
14 requirement -- I don't know exactly -- I know with the  
15 freeway crossings, it was less than 140 feet, as an  
16 example. So that will be -- that will be a continued  
17 coordination with the FAA to give them the heights of the  
18 towers. But that range seems to be what would be  
19 suitable for the airport in that analysis.

20 CHMN. KATZ: And that was Mr. Trenter that was  
21 answering that question about height.

22 You may proceed.

23 MS. BENALLY: So I believe that wraps up our  
24 visual resources discussion, and we are ready move to on  
25 to cultural resources, which Mr. Trenter will provide

1 testimony for. And that is noted as Exhibit B in APS's  
2 CEC application.

3 Q. BY MS. BENALLY: Mr. Trenter, would you please  
4 describe EPG's inventory as well as your findings  
5 regarding cultural resources.

6 A. (By Mr. Trenter) Certainly. Thank you.

7 For the cultural resource inventory, we looked  
8 at existing databases from Arizona State Historic  
9 Preservation Office, the Arizona State Museum, and the  
10 Arizona State Register of Historic Places.

11 Within the study area, we didn't identify any  
12 archeological sites. There were four historic sites  
13 regarding historic Bullard Ave, a spur road for  
14 Litchfield, and some of the canals, but only the  
15 Litchfield railroad spur, which was along Central, was  
16 considered to have the elements that would deem it  
17 eligible.

18 But even at that, because it's not intact --  
19 and coupled with that, you'd be able to span if you  
20 needed to -- we didn't see any direct effects or indirect  
21 effects to those properties.

22 So for the historic sites, as I say, we're not  
23 going to directly or indirect -- and we had the State  
24 Historic Preservation Office review our findings in the  
25 CEC application, and they concurred. And that's the

1 letter APS Exhibit 19.

2 Q. And just for the record, Mr. Trenter, would you  
3 state what the conclusions are regarding the  
4 compatibility of the project relative to cultural  
5 resources.

6 A. (By Mr. Trenter) Yes. For all of the  
7 alternatives, it would be considered compatible. And  
8 there's a couple factors.

9 Mainly, that there's been existing development  
10 throughout the area. And then the remainder of the areas  
11 that don't have physical development on them are  
12 primarily agriculture based, which already have disturbed  
13 the sites.

14 Q. Anything further on cultural resources?

15 A. (By Mr. Trenter) No.

16 Q. Let's now move to recreational resources marked  
17 as Exhibit F in APS's CEC application.

18 Again, in this area, if you would please share  
19 with the Committee EPG's findings regarding recreation  
20 resources.

21 A. (By Mr. Trenter) Certainly.

22 For Exhibit F, it's really a review of existing  
23 plans. And we use the Exhibit H letters that I'll hit in  
24 a second.

25 But, essentially, we reach out to the areas

1 that may have concern, be it the jurisdictions; the  
2 counties, in particular Maricopa County Parks and Rec;  
3 City of Avondale; City of Goodyear.

4 And as part of this analysis, we did identify  
5 that the City of Avondale had a planned -- does have a  
6 planned trail that's on the far east side of the Agua  
7 Fria River north of our corridor that would go to a park  
8 that's north of the corridor. Our particular project  
9 would not affect that.

10 And, again, the main concern that we had for  
11 future recreation for our alternative was the Goodyear  
12 open space. And after further communication with the  
13 City of Goodyear, and the response that we received from  
14 the folks are on the right-hand screen, they do not  
15 intend to pursue a park in that area. And right now,  
16 it's open space primarily used for flood retention at  
17 this point.

18 And, as Ms. O'Neil stated, those lands are  
19 future business, commerce, and employment center and  
20 would expect that type of development.

21 Q. Mr. Trenter, what are your conclusions  
22 regarding the project's compatibility with recreation  
23 resources?

24 A. (By Mr. Trenter) We don't anticipate affecting  
25 any of the resources. And, as a matter of fact,

1 depending on the type of planning the City of Goodyear  
2 may care to do, transmission lines can be used as future  
3 recreation trails or interconnectors between parks, and  
4 we've seen that before.

5           Years ago, we did a similar siting down in Mesa  
6 with SRP and the City of Gilbert, and they ended up using  
7 the transmission lines as interconnectors and trails  
8 between different parks and what have you.

9           And MAG, usually in their planning, identifies  
10 the major transmission line as opportunities for future  
11 trails and interconnectors.

12           Q.     And just for the record, Mr. Trenter, the email  
13 you have up on the right-hand screen, that is marked as  
14 APS-20; is that right?

15           A.     (By Mr. Trenter)   Correct.

16           Q.     All right.

17                   I believe now we're ready to move to your  
18 Exhibit H, which you referenced earlier.

19                   Did EPG contact either public or private  
20 entities to determine whether the project would impact  
21 any plans that were planned for the future in this  
22 project area?

23           A.     (By Mr. Trenter)   Yes.   Yes, we did.

24           Q.     Would you walk through that, please.

25           A.     (By Mr. Trenter)   Certainly.   You can see on

1 the left-hand side of the screen, there are a number of  
2 state agencies that we have contacted and interacted  
3 throughout the process: A number of local jurisdictions,  
4 Phoenix Aviation, Department for the City of Goodyear  
5 Airport. We met with Maricopa County Flood Control  
6 District. Talked to the Planning Department as well as  
7 the Parks and Rec Department and Transportation. Sent  
8 notes to the local water districts in the area and the  
9 local utilities, SRP, TEP, and Western Area Power  
10 Administration. And we also did send notification to the  
11 Gila River Indian Community.

12 Q. Did you receive responses from any of these  
13 entities?

14 A. (By Mr. Trenter) We did. And we actually, on  
15 a number of them, had further communication beyond the  
16 Exhibit H letter.

17 But, in particular, we did receive support from  
18 the City of Goodyear for all the alternatives.

19 The City of Avondale, they supported the  
20 preferred alternative.

21 FAA, City of Goodyear Phoenix Airport, they  
22 indicated that they appreciated the continued  
23 coordination with them.

24 We also had a series of correspondence with  
25 ADOT dealing with the controlled access that we discussed

1 yesterday during the virtual tour.

2 And for Maricopa County Parks and Rec, we don't  
3 have any conflict with future plans.

4 Q. Okay. Thank you.

5 Anything further you'd like to comment on  
6 regarding Exhibit H, existing plans?

7 A. (By Mr. Trenter) No, thank you.

8 Q. So have you formed an opinion regarding the  
9 environmental compatibility of the project as described  
10 in APS's application?

11 A. (By Mr. Trenter) Yes, I have.

12 Q. Would you walk through that, please.

13 A. (By Mr. Trenter) Certainly.

14 For all the alternatives, they will conform  
15 with applicable management plans. And what I mean by  
16 that is that there is particular zoning and/or planning  
17 for the type of development and businesses that would  
18 occur, and this type of facility not only would be  
19 compatible, but it would also help facilitate those type  
20 of facilities.

21 As stated earlier, one of the main components  
22 would be the collocation with the existing 69kV lines for  
23 almost half the project, or 45 percent, and then  
24 collocating with Interstate 10, which is a major linear  
25 feature in the landscape.

1 By doing those two things, we really do  
2 minimize effects to existing and planned land uses,  
3 recreation, visual, cultural, and biology, and would  
4 consider all of the alternatives environmentally  
5 compatible.

6 Q. Thank you.

7 And do you have --

8 MEMBER GRINNELL: Mr. Chairman.

9 I've just got a quick question. And maybe I  
10 didn't hear it, but is there any issue regarding WOTUS,  
11 Waters of the U.S.?

12 MR. TRENTER: I'll be happy to answer that.  
13 For the Waters of the U.S., we would -- if there's a  
14 structure that's located in the Agua Fria River, they  
15 would have to do preconstruction survey. Each structure  
16 is looked at as its own project, and it should be covered  
17 under a nationwide permit, Nationwide 12, when they go to  
18 construction. But those are typically associated with  
19 preconstruction surveys.

20 CHMN. KATZ: And I believe that last question  
21 was asked by Member Riggins, correct?

22 MS. BENALLY: No, Grinnell.

23 CHMN. KATZ: Oh, Member Grinnell. I apologize.

24 MEMBER GRINNELL: And the reason I ask, given  
25 the recent changes back and forth that the EPA has asked

1 the new administration to address, I just want to make  
2 sure that we're not over -- I guess oversimplifying this  
3 issue. I'm just trying to make sure that we're -- I  
4 don't want to have to come back and revisit this because  
5 of the continuing updates and changes to the waters rules  
6 just to make sure there's no navigable waterways that  
7 will be impeded on as a result of the project. That's  
8 all.

9 MR. TRENTER: No, correct, Member Grinnell.  
10 There are no navigable waters in this study area.

11 MEMBER GRINNELL: Very good. Thank you.

12 MR. TRENTER: Thank you.

13 Q. BY MS. BENALLY: Mr. Trenter, do you have  
14 conclusions regarding the preferred route you would like  
15 to share with the Committee?

16 A. (By Mr. Trenter) Yes. In particular, the  
17 preferred route is supported by both the City of Goodyear  
18 and Avondale, compliant with the FAA requirements,  
19 coordination with ADOT in the controlled access, and also  
20 minimizes impact to sensitive residential views.

21 And, again, sort of differentiating between  
22 these alternatives, we have the Desert Sage on the south  
23 side, which would have the alternative directly adjacent  
24 to the apartment complex. Then you have the separation  
25 of the interstate on the north side of where the

1 preferred route would be located, and that would reduce  
2 impacts to those residential viewers.

3 And, overall, the alternative on the north  
4 side, the preferred alternative, minimizes impacts to  
5 commercial properties.

6 Q. Anything further you'd like to testify to,  
7 Mr. Trenter?

8 A. (By Mr. Trenter) No, thank you.

9 Q. Ms. O'Neil?

10 A. (By Ms. O'Neil) No, thank you.

11 MS. BENALLY: Mr. Chairman, if you'll give me  
12 just a moment, I'd like to confer with counsel.

13 CHMN. KATZ: Take your time.

14 MS. BENALLY: Thank you, Mr. Chairman. That  
15 concludes the testimony of our environmental witnesses.

16 And I believe we are now ready to move to the  
17 next segment of our direct case. Mr. Eich, I believe, is  
18 back on the stand with Mr. Derstine.

19

20 DIRECT EXAMINATION (Cont.)

21 BY MR. DERSTINE:

22 Q. Mr. Wiley. Good morning.

23 A. (By Mr. Wiley) Good morning.

24 Q. Mr. Wiley, you're going to cover the topics  
25 that are in contained in Exhibit I to the CEC application

1 that addresses the anticipated noise and potential  
2 interference with communication signals. And that  
3 Exhibit I typically also addresses anticipated EMF from  
4 the project.

5 So let's start with -- why don't you cover the  
6 anticipated noise impact from the project.

7 A. (By Mr. Wiley) Certainly. Just give me one  
8 moment here for the screens to be synced up.

9 APS did perform noise analysis. We looked at a  
10 couple of different conditions. We looked at a fair  
11 weather condition and also a light rain condition.

12 The plots on the right-hand screen show these  
13 different conditions.

14 This one here shows the fair weather. Under  
15 the fair weather, we would expect the audible noise  
16 generated by this project to be roughly 10.5 decibels.

17 Under light rain conditions, we would expect  
18 that audible noise generated by this project to be in the  
19 range of 23.7 decibels.

20 Q. And when you say "the noise generated by the  
21 project," you are saying once the transmission line is  
22 constructed and up in the air, under fair conditions, the  
23 noise level would be shown on the top graph on Slide 180;  
24 and then in light rain conditions, the noise level  
25 emanating from the operating transmission line would

1 increase to the level show on the lower graph on Slide  
2 180; is that right?

3 A. (By Mr. Wiley) That is correct.

4 Q. Why the difference -- how does the weather  
5 affect the noise coming from the transmission line?

6 A. (By Mr. Wiley) The amount of moisture in the  
7 air directly affects that audible noise. It's the effect  
8 of the surrounding air ionizing.

9 Today is -- early this morning is probably a  
10 good example of that. We had some light rain this  
11 morning. The lines would be slightly more noisy than  
12 they would be under a dry summer day, for example.

13 Q. And how do you translate those -- the levels  
14 you're showing on the two graphs into what I would hear  
15 standing under or near the transmission line? Do you  
16 have an opinion about that?

17 A. (By Mr. Wiley) Certainly.

18 So under the light rain condition, it's  
19 expected to be approximately 23.7 decibels. To put that  
20 in perspective, a soft whisper from approximately 5 feet  
21 away is 40 decibels. And that's showing here on the  
22 right-hand screen from OSHA.

23 Q. So under fair weather, the noise from that  
24 transmission line is less than a soft whisper?

25 A. (By Mr. Wiley) Significantly less, correct.

1 Q. And the light rain condition, how does that --  
2 where does that translate on your scale?

3 A. (By Mr. Wiley) Still less than a soft whisper.

4 Q. So not a lot of noise?

5 A. (By Mr. Wiley) That's correct.

6 Q. Is there a significant difference between the  
7 noise levels created by an operating 69kV line and a 230  
8 line, or would I -- would I expect to see a higher noise  
9 under either fair or rainy conditions under the 230 line?

10 A. (By Mr. Wiley) They could be different. They  
11 would both be under that soft whisper.

12 Q. Okay. So beyond the operational noise, I  
13 assume there will be some noise generated by the  
14 construction phase of the project?

15 A. (By Mr. Wiley) Correct.

16 Q. Which is typical. Okay. But that's just  
17 during the construction phase in terms of whatever heavy  
18 equipment is required to set the poles, etc., right?

19 A. (By Mr. Wiley) Correct.

20 Q. All right. Anything else on noise analysis?

21 A. (By Mr. Wiley) As testimony previously showed,  
22 the line is located in an area consistent with  
23 industrial, residential, and agricultural areas, along  
24 with existing power lines.

25 This new project, with the addition of the new

1 230kV line, is expected to be consistent with the noise  
2 levels of those existing lines, and minimal noise impact  
3 is expected due to this project.

4 Q. Okay. We haven't talked about this, but I was  
5 just interested, Mr. Trenter indicated that I think it  
6 was Game and Fish that advised to avoid constructing the  
7 project near the bridges on the Agua Fria during certain  
8 months of the year.

9 Did I have that right, Mr. Trenter? Was I  
10 listening correctly?

11 A. (By Mr. Trenter) Yeah, within 50 feet from  
12 March to July for the swallow.

13 Q. Mr. Wiley, do you have anything to add in terms  
14 of just the -- you know, I guess at what stage APS would  
15 be in a position to know where those -- the structures in  
16 the Agua Fria will be placed and whether or not they  
17 might be within that 50-foot range of the bridges?

18 What's the -- what's the process that goes on  
19 in terms of designing the line and knowing where that  
20 structure is going to be placed?

21 A. (By Mr. Wiley) As we go through our designing  
22 process, we have different milestones, typically at 30,  
23 60, and 90 percent design. So along that process, we  
24 would determine the exact locations. I'm not exactly  
25 sure at what percentage we determine that, but that would

1 be when we go into the detailed design and engineering of  
2 the project.

3 Q. Okay. And would I be correct in assuming that  
4 APS will do what it can in order to find an anticipate  
5 design that places the structures within the Agua Fria  
6 outside of that 50-foot zone?

7 A. (By Mr. Wiley) That is our intent, correct.

8 Q. All right. We are moving on -- well, your next  
9 slide, we're going to move on to EMF analysis.

10 But talk about potential interference with  
11 communication facilities. Are you aware of any  
12 communication facilities, that is, radio and FM radio  
13 towers, that are in the vicinity of the project that  
14 might be impacted by the new transmission lines?

15 A. (By Mr. Wiley) There are no adverse impacts to  
16 radio communication.

17 Q. Okay. Then let's talk about EMF.

18 A. (By Mr. Wiley) So we did evaluate effects of  
19 EMF. We looked at the electric fields. The electric  
20 fields are expected to be well below the 5-kilovolt-per-  
21 meter limit outside of the right-of-way and the  
22 10-kilovolt-per-meter inside the right-of-way. And these  
23 values are specified by IEEE standards, and that standard  
24 is IEEE C95.6-2002.

25 If I point you to the right-hand screen, we'll

1 see a plot here showing different segments of the route,  
2 different segments representing different physical  
3 construction of the line.

4 Mr. Eich testified yesterday showing different  
5 structures. Some of those would be Delta configuration  
6 where we had lines on both sides of the structure. Some  
7 of them were stacked on one side. And that's what's  
8 being represented here by the various segments.

9 Under the worst-case condition, we would expect  
10 to be just under above 35 milligauss, and that's just  
11 pretty much at the base of the structure.

12 However, that decays very quickly as you move  
13 away from the actual structure. At a distance of roughly  
14 100 feet from the centerline of the structure, we'd  
15 expect more around 10 milligauss.

16 Q. Can I stop you there.

17 So the segment that's generating the highest  
18 milligauss value, which is shown in -- I think that's  
19 blue, what segment would be generating that highest EMF  
20 value?

21 A. (By Mr. Wiley) We refer to that as Segment 1,  
22 and we do have a map that depicts that in the application  
23 under Exhibit I, I-1.

24 Q. Do you know offhand where that -- can you  
25 describe where that is?

1           A.       (By Mr. Wiley) That is on page I-2 of our  
2 application.

3           Q.       Is that the map with the bubbles, the colored  
4 bubbles? Am I looking at the right one?

5           A.       (By Mr. Wiley) That's correct.

6           Q.       Okay. And so blue, the one -- the segment of  
7 the project that generates the highest EMF value is -- am  
8 I reading that right, it's along Van Buren?

9           A.       (By Mr. Wiley) That's correct.

10          Q.       And why is it the highest EMF value there?

11          A.       (By Mr. Wiley) There are a couple of reasons  
12 for that.

13                 One is the physical construction of the line,  
14 the spacing of the conductors on the structure.

15                 The other significant contribution to electric  
16 fields is the 69 underbuild.

17                 The 69kV is lower to the ground than the 230,  
18 and that has a significant impact on the amount of the  
19 electric field.

20          Q.       Okay. And then at what distance away from the  
21 line -- say we are looking again at the line along  
22 Van Buren where you have the new 230 line with the 69kV  
23 underbuild, at what distance does the EMF value dissipate  
24 most significantly?

25          A.       (By Mr. Wiley) The plot here shows the

1 distance from the centerline. At approximately 100 feet,  
2 you're down to, worst case, around 10 milligauss.

3 To put that into perspective, a PC monitor,  
4 from about 6 inches away, is in the range of 7 to 20  
5 milligauss. And the value shown here for this specific  
6 230kV line is comparable to other 230kV lines.

7 Q. So the EMF that will be generated from the line  
8 along Van Buren, which carries the highest EMF value,  
9 that's producing the greatest amount of EMF, at least  
10 under the centerline, part of that is because there's a  
11 69kV underbuild, right?

12 A. (By Mr. Wiley) That is correct.

13 Q. But in total, you are saying -- do I hear you  
14 correctly that even that value, the EMF value, is  
15 consistent with the EMF that would be generated by other  
16 230kV lines at that same location?

17 A. (By Mr. Wiley) That's correct.

18 Q. And how is that? Is it not -- I assume I'm not  
19 correct in assuming that there would be cumulative EMF  
20 from the 230 plus the 69kV. Is there something else  
21 going on there?

22 A. (By Mr. Wiley) That is correct. There are  
23 additions as well as subtractions, but there is a  
24 cumulative aspect there when you have both 69 and 230kV  
25 collocated on the same structure.

1 Q. But I gather at some level, there's -- the  
2 amount of EMF that's generated by the line can be  
3 mitigated by the phasing of the various -- of the  
4 conductors; is that true?

5 A. (By Mr. Wiley) That is correct.

6 Q. And is there -- to some extent, is the -- are  
7 the 69 and the 230, to some extent, canceling each other  
8 out or mitigating the EMF being generated by the  
9 different circuits?

10 A. (By Mr. Wiley) I believe that to be true.

11 Q. You know, one of the comments we had heard from  
12 Member Haenichen and when we always do this discussion  
13 about EMF and comparing it to a hairdryer or a microwave  
14 oven, is that those appliances are on -- are only on for  
15 a very short amount of time. You and I talked about that  
16 a bit.

17 Have you addressed that in any way in your  
18 analysis?

19 A. (By Mr. Wiley) Yes. Member Haenichen, I  
20 recall at the last line siting hearing that APS took part  
21 of, he did make a comparison that, you know, taking a  
22 transmission line and comparing it to a hairdryer was not  
23 1 to 1 based on the fact that a hairdryer is not a 24/7  
24 operation, that it is not always running. And I  
25 certainly agree with that fact, Member Haenichen.

1 I did want to point out that the values shown  
2 on the screen here are the worst-case conditions based on  
3 the peak loading that we expect to see on these lines.  
4 These are not static values. They do vary significantly  
5 as these system load and these flows through those  
6 transmission lines change as our system load varies from  
7 approximately 2,000 megawatts to 7,700 megawatts. So,  
8 again, this is the worst-case scenario that we're showing  
9 on the screen here.

10 Q. And I guess, in using the appliance comparison,  
11 we talked about, well, what are household appliances or  
12 items that generate EMF that may be a better and more  
13 valid comparison to the transmission line; that is,  
14 appliances that are on for a longer period of time, if  
15 not on continuously within a typical home.

16 Do you have those on your chart there?

17 A. (By Mr. Wiley) I think a good comparison to  
18 that would be a PC monitor, something that a lot of us  
19 are around for many, many hours throughout the day. And  
20 for a PC monitor, the expected electric field would be in  
21 the range of 7 to 20 milligauss. And that's, again, at a  
22 distance of approximately 6 inches away.

23 Q. And how does that compare to the EMF generated  
24 from the transmission lines, say, at a -- well, I guess  
25 you have it at 60, 80, and 100 feet.

1 A. (By Mr. Wiley) Correct. So at 100 feet,  
2 you're at 10 milligauss, and that would be on the lower  
3 end of the expected comparison to that of the computer  
4 monitor.

5 Q. So at 100 feet from this 230kV line, using  
6 the -- using the blue segment as our example that has the  
7 69kV underbuild, at 100 feet, you're saying it's  
8 essentially around 10 milligauss. And that compares  
9 favorably to the EMF that's generated by the monitor we  
10 all have attached to our computers at home, our home  
11 computers, right?

12 A. (By Mr. Wiley) That is correct.

13 Q. All right. And then the values for the other  
14 line segments shown on Exhibit I-1 -- it's page I-2, but  
15 Exhibit I-1 -- they're less than that -- the segment of  
16 the project that runs along Van Buren based on the chart  
17 that we're looking at on Slide 182?

18 A. (By Mr. Wiley) That is correct.

19 Q. Okay. Anything else you wanted to add on the  
20 EMF analysis?

21 A. (By Mr. Wiley) No.

22 Q. All right.

23 MR. DERSTINE: Mr. Chairman, I think our next  
24 segment, we're going to switch over to Mr. Eich and cover  
25 the application and various notice requirements.

1 I know we're a bit early, but this might be a  
2 good time to take our morning break, if it's the pleasure  
3 of the Committee.

4 CHMN. KATZ: I think it's fine. It's about  
5 10:15. Let's try and get back here by 10:30.

6 MR. DERSTINE: Thank you.

7 CHMN. KATZ: We're in recess briefly.

8 (A recess was taken from 10:16 a.m. to  
9 10:34 a.m.)

10 CHMN. KATZ: We are back on the record, and we  
11 may continue.

12 Mr. Derstine, I think you were questioning the  
13 next witness.

14 MR. DERSTINE: Thank you.

15 Q. BY MR. DERSTINE: Back to you, Mr. Eich.

16 I'll get to the section here.

17 All right. We're going to -- as Slide 183  
18 indicates, we're going to start talking about the  
19 application and satisfying the various notice  
20 requirements of the siting statute.

21 Let's start by having you indicate when the CEC  
22 application was filed.

23 A. (By Mr. Eich) The CEC application was filed on  
24 August 24th, 2021.

25 Q. And the CEC application is APS Exhibit 1; is

1 that right?

2 A. (By Mr. Eich) Yes.

3 Q. Okay. So the filing of the application kicks  
4 off a number of statutory notice requirements. The first  
5 is to publish the Notice of Hearing. Was that done?

6 A. (By Mr. Eich) Yes, it was.

7 Q. Okay. Tell us about the publication of the  
8 Notice of Hearing.

9 A. (By Mr. Eich) It was published in two  
10 newspapers, the West Valley View on September 1st and 8th  
11 and the Arizona Republic on September 1st, 3rd, 8th, and  
12 10th of this year.

13 Q. And the Affidavits of Publication, which are  
14 evidence of the publication, are contained in APS  
15 Exhibit 9. Do I have that, right?

16 A. (By Mr. Eich) Yes, they are, and also shown on  
17 this slide on the right hand.

18 Q. Okay. One of the other requirements is that we  
19 post signs along the project. We coordinate with the  
20 Chairman and the Committee for the location for those  
21 signs.

22 Tell us about the posting of the signs, when  
23 they were posted and where.

24 A. (By Mr. Eich) We posted 11 signs in the  
25 vicinity of the project, primarily along the project

1 routes, as indicated on this map with the green  
2 asterisks, in those general locations on this map here.

3 Those were posted on September 6, 2021. This  
4 is an example of one of those signs.

5 Q. And when you're saying "this map here", you're  
6 referring to Slide 188?

7 A. (By Mr. Eich) Yes, 188. Also APS-13 exhibit.

8 Q. So at APS-13, we'll see -- we'll find the same  
9 map that's show on Slide 188 as well as photographs of  
10 the 11 signs taken at their various locations, right?

11 A. (By Mr. Eich) Yes. You will find the same  
12 map. There is also numbers near each of these asterisks  
13 in relation to individual pictures of each sign at their  
14 location within that exhibit. And under each picture is  
15 the specific location description as well.

16 Q. Another statutory requirement is that we notify  
17 affected jurisdictions. Who are the affected  
18 jurisdictions?

19 A. (By Mr. Eich) The affected jurisdictions are  
20 the Cities of Goodyear, Avondale, and Litchfield Park,  
21 the City of Phoenix Aviation Department, the Arizona  
22 Department of Transportation, the Maricopa County, and  
23 the Flood Control District of Maricopa County.

24 Q. Now, "jurisdictions" can have a legal  
25 definition. That typically would be a city or a town or

1 a county. But we -- but in these cases, we tend to be  
2 broad in our interpretation of a jurisdiction, and so  
3 you've included entities or agencies like the Arizona  
4 Department of Transportation and the Maricopa County  
5 Flood Control District, right?

6 A. (By Mr. Eich) Yes.

7 Q. And was notice given to the affected  
8 jurisdictions of this hearing?

9 A. (By Mr. Eich) Yes. Notice was mailed out to  
10 each of these jurisdictions on August 30th.

11 A second notice was mailed to Maricopa County  
12 after discovering the original was sent to an outdated  
13 address. We then mailed that notice out as well as hand  
14 delivered a copy of that notice on September 21st, as  
15 shown to the right here and stamped as being delivered on  
16 that date.

17 Q. Okay. And what you're referring to is this  
18 Slide 190 includes, I guess, a photograph of the letter  
19 sent to Maricopa County. And behind that, on the  
20 left-hand side of Slide 190, are the certified mail  
21 return receipts that evidence the fact that the notices  
22 to the affected jurisdictions are sent by certified mail?

23 A. (By Mr. Eich) Yes.

24 Q. Okay. And, again, all of that is found under  
25 APS Exhibit 12?

1 A. (By Mr. Eich) Yes.

2 Q. Okay. All right. We're also required to  
3 deliver copies of the application to public libraries  
4 that are in the vicinity of the project to allow  
5 residents or landowners, anyone, to go obtain and look at  
6 a copy of the application if they desire to do that.  
7 That information on the libraries is contained in the  
8 Notice of Hearing.

9 Did we deliver copies of the application to  
10 libraries? And what libraries?

11 A. (By Mr. Eich) Yes, we did. We delivered  
12 copies of the application to the City of Goodyear Library  
13 and the Sam Garcia Western Avenue Library in Avondale.

14 What is shown on this slide here are email  
15 confirmations of receiving that application, a copy of  
16 the application, for the public.

17 Q. Okay. And you're referring to, again, Slide  
18 190. And the email confirmations concerning the delivery  
19 of the CEC application to those libraries are found at --  
20 is it APS-10?

21 A. (By Mr. Eich) Yes.

22 Q. Okay. All right. We also include all the  
23 project information as well as I think a copy of the  
24 application, electronic copy, on the project website.

25 Why don't you tell us about what's contained on

1 the website.

2 A. (By Mr. Eich) Yes. In addition to project  
3 information, project materials such as the CEC  
4 application, our newsletters, and general siting  
5 information can all be found on our project website.

6 Q. And that website address is also included in  
7 the Notice of Hearing, right?

8 A. (By Mr. Eich) Yes.

9 Q. The Procedural Order that is issued by the  
10 Chairman includes a requirement that we utilize social  
11 media in some form to publicize the project. That's a  
12 fairly recent development. And during our procedural  
13 conferences with the Chairman, we talked about our use of  
14 social media. And we're going to cover that here in a  
15 bit later in your presentation.

16 But just in terms of checking the box and  
17 whether or not we satisfied the requirement in the  
18 Procedure Order, you did use social media to publicize  
19 this project, and you're going to talk in more detail  
20 about that here in a bit, right?

21 A. (By Mr. Eich) Yes, that's correct.

22 Q. All right. We're going to move on now to the  
23 fun stuff, right? The public and stakeholder  
24 involvement. You're going to tell the story of the  
25 outreach efforts you made during the history of this

1 project.

2 I think I asked you yesterday when you started  
3 working on this project. What was that date again?

4 A. (By Mr. Eich) It was around January 2019.

5 Q. Okay. And that -- I think based on your  
6 testimony, that was kind of when you started the --  
7 working with EPG, Mr. Trenter and Ms. O'Neil, in terms of  
8 kind of looking at what were the -- what's the project  
9 area, what do we need to study, what do we need to  
10 analyze in order to connect this new datacenter into the  
11 Rudd-White Tanks Line, right? That was kind of the start  
12 of the process?

13 A. (By Mr. Eich) Yes, that was the very  
14 beginning.

15 Q. But pretty early on, we started involving the  
16 public and reaching out to stakeholders. So why don't  
17 you start with an overview of the types of outreach and  
18 engagement you used for this project.

19 A. (By Mr. Eich) Yes. We used a variety of  
20 public involvement methods, including project mailings;  
21 newspaper ads; open houses, both in person and virtual;  
22 stakeholder briefings; project website; project telephone  
23 information line; social media; and customer emails.

24 Q. Okay. Well, on here, take us through -- and I  
25 think we're going to start with the project mailings.

1 I had mentioned yesterday that you actually  
2 live in the study area, and you received one of those  
3 30,000 emails -- or mailings that went out on three  
4 different occasions. So take us through that process and  
5 what you sent.

6 And am I correct in understanding that the --  
7 did the study area or the mailing list change over time?  
8 Did it grow?

9 A. (By Mr. Eich) Yes. So at the beginning of  
10 the -- I guess 2019, when we began compiling the mailing  
11 list, it began at around 32,000, a little over 32,000.  
12 By the end, it was just over 38,000.

13 Q. Okay. And why is that? Did we miss somebody  
14 in the early mailings? What happened?

15 A. (By Mr. Eich) I think that goes to show how  
16 rapidly this area is growing out here. There's been a  
17 lot of growth in the past two years alone.

18 We did another compiling of the same study  
19 area, and it grew by that much.

20 Q. So the study area boundaries didn't change, but  
21 the number of addresses that show up on our query for  
22 addresses within the study area grew by 6,000 over the  
23 timeline of the project?

24 A. (By Mr. Eich) Yes, approximately.

25 Q. Okay. Interesting.

1 All right. Tell us about those newsletters and  
2 mailings.

3 A. (By Mr. Eich) So we had four mailings during  
4 the life of the project, and we anticipate one more  
5 mailing following this decision.

6 And as shown up here, there were more than  
7 30,000 customers that these were mailed to.

8 The first newsletter was mailed on February  
9 3rd, 2020. And it was to introduce the project and to  
10 announce our first in-person open house and also shared  
11 information on how they could provide input for this  
12 project.

13 The second mailing was on June 29th, 2020, and  
14 that was in regards to our second open house, which was  
15 the virtual open house, giving project updates. Included  
16 a map with the alternative routes that I referred to  
17 yesterday in my testimony. It also included information  
18 on how the public could provide input on the virtual open  
19 house night as well as our project web page.

20 And the third newsletter was sent out on June  
21 25th, 2021. And that was to announce the three route  
22 alternatives that we're presenting today, to also briefly  
23 go over the CEC process and kind of what to expect as far  
24 as that timeline goes.

25 We then sent out a postcard on September 15th,

1 2021, to notify the public of these hearing proceedings  
2 and the information on where those were, when they began,  
3 and how they could be involved. Also included our web  
4 page on that as well.

5 And as I mentioned before, there will be a  
6 fifth mailing following the decision announcing that  
7 decision as well as any construction timeline  
8 information.

9 Q. Okay. And did you also use newspaper ads to  
10 publicize the open houses?

11 A. (By Mr. Eich) We did. We utilized the same  
12 newspapers that I mentioned before, the West Valley View  
13 and the Arizona Republic, and published ads prior to each  
14 open house, which was, again, February of 2020, July  
15 2020, as well as for the notification of this hearing in  
16 September 2021.

17 Q. And I guess samples of those ads were shown on  
18 the -- on Slide 198 here in the hearing room?

19 A. (By Mr. Eich) Correct.

20 Q. Okay. All right. So you used the ads to  
21 publicize open houses. Let's talk about the open houses.

22 A. (By Mr. Eich) So we held our first open house  
23 in -- well, the first round of open houses February 19th  
24 and 20th, 2020, one in Avondale and one in Goodyear.  
25 These were in-person open house. I think we mentioned

1 earlier this was just before the COVID-19 pandemic really  
2 got going, and I believe this was our last in-person open  
3 house that we've been able to hold.

4 At those open houses, we had subject matter  
5 experts, staff members from APS and EPG there to discuss  
6 the project, the studies that had been conducted, to  
7 present the links to the public and request input on  
8 those links. Also, we were there to answer questions and  
9 help them understand all areas of this project.

10 Approximately 12 attended those open houses,  
11 which does seem small. But I bring that up in relation  
12 to the virtual open house that was then held in July.

13 It was launched July 1st, 2020, and this was  
14 our first virtual open house that we had ever done,  
15 again, in response to the COVID-19 pandemic.

16 And there, we had a virtual setting with a  
17 welcome page. Also had in the virtual open house display  
18 boards, videos, maps.

19 You may be familiar with what that looks like  
20 from previous hearings from my colleagues, but I do have  
21 an example of that it, if you would like me to ...

22 Q. Yeah, go ahead. Take us to the virtual open  
23 house.

24 A. (By Mr. Eich) So this is what a user would see  
25 when they enter the virtual open house: A welcome page,

1 kind of informing them on what they're about to see in  
2 this virtual setting, and then how to navigate around the  
3 room. Once they enter the virtual open house, there's a  
4 welcome video that welcomes them. Again, helps them to  
5 understand how to navigate around the room and what to  
6 expect.

7           These display boards can be clicked on, and it  
8 will bring up a close-up version of these so that you can  
9 read about these things individually. There are maps  
10 that go with each of them.

11           Again, by panning around the room, you learn  
12 more about the project with each of these display boards.

13           I do have an overview video, if you'd like. I  
14 guess I could show that. It's about three, three and a  
15 half minutes.

16           Q.     Sure.

17           A.     (By Mr. Eich) All right.

18           Q.     So this is -- I'm sorry to interrupt. This is  
19 similar to the -- we've seen some of these videos in  
20 prior cases, I think, that were starring Mr. Duncan. And  
21 he was proud, and rightly proud, of the fact that his son  
22 had taken -- photographed those videos.

23                   Is this a family effort on your part, too, for  
24 this video here?

25           A.     (By Mr. Eich) No. This is actually -- we had

1 to pay someone to do this.

2 (Video shown.)

3 CHMN. KATZ: Thank you. We're done playing the  
4 video that was done by Mr. Eich.

5 A. (By Mr. Eich) So, I guess, continuing the  
6 virtual open house, we also had an interactive map in  
7 which a customer could go in and -- somewhat of a Google  
8 Earth setting -- I'm not sure. At the time, this was not  
9 wide like this. I'm not sure why this is shown here.

10 But customers could type in their address and  
11 be led directly to that location. For example, if I were  
12 to type in where we are here today, it could zoom in to  
13 that location.

14 And I apologize for this. I'm not sure how to  
15 get this out of the way here. It doesn't seem to be  
16 working.

17 But then zooming out, you see where that  
18 location is in relation to some of these alternatives.

19 There's ways to turn off and off -- or turn on  
20 and off different layers, different alternatives, and be  
21 able to get a close-up and personal view of each of these  
22 alternative routes.

23 We also had printable maps for them, EMF  
24 information, photos and simulations, and information on  
25 next steps, also an FAQ sheet and a questionnaire that we

1 asked them to fill out to provide more information on  
2 these route alternatives, including email information and  
3 phone number.

4 Q. BY MR. DERSTINE: So if someone attended the  
5 virtual open house and they wanted to comment, how would  
6 they be enabled to do that?

7 A. (By Mr. Eich) Again, this table allows them to  
8 fill out that questionnaire. It also has a phone number  
9 here that they could call. There's an email that they  
10 could send directly to the project page. Various ways  
11 that they could find here.

12 Q. And so the -- in the application, under  
13 Exhibit J, there is kind of a summary of the public  
14 outreach and some of the topics that we're -- you're  
15 going to cover here in the hearing, and then the actual  
16 various comments are contained in a spreadsheet format.

17 So I assume that folks who commented in  
18 response to seeing the virtual open house, those comments  
19 are compiled here at the back of Exhibit J in the  
20 application, right?

21 A. (By Mr. Eich) Yes, they are.

22 Q. I was interested -- in looking at the comments,  
23 I was looking at Comment 31.

24 This comment is dated July 17, 2020. So that  
25 would have been after your July -- the virtual open house

1 went live, right?

2 A. (By Mr. Eich) Yes. It went live July 1st,  
3 2020.

4 Q. Okay. And this comment, the Comment 31 says:  
5 Just want to say this is an excellent overview of the  
6 project. I want to thank you for sharing it so that we  
7 know what to expect.

8 And then Comment 32 says: Power lines are  
9 ugly, and these are huge. Why in the world are we not  
10 charging these companies to put underground like many  
11 other cities do? Nothing makes a city look like crap  
12 than massive power lines. We should be making efforts to  
13 bury power lines.

14 So I guess you get all kinds of comments,  
15 right?

16 A. (By Mr. Eich) Quite the spectrum, yes.

17 Q. And then I was interested -- there was one  
18 other comment, if I could find it here. I lost -- I lost  
19 it here.

20 Essentially, the gist of the comment was: This  
21 is really cool.

22 Did you -- did APS prepare this or did someone  
23 else? Do you know what comment I'm referring to?

24 And I guess the reason I call out that comment,  
25 was that someone in your family, Mr. Eich? I know you

1 live near the project area.

2 A. (By Mr. Eich) I did not recognize any of the  
3 people that made comments.

4 Q. I guess the important piece is that it looks  
5 like you received -- 50 comments are contained the CEC  
6 application. I think you received a few more.

7 But in response to three newsletters, with  
8 mailings of over 30,000 addresses for each mailing, and  
9 then a live, in-person open house and this virtual open  
10 house, you received a total of 50 comments -- or just  
11 over 50 comments. Do I have that right?

12 A. (By Mr. Eich) Total, yes.

13 And if I could, we pulled some analytics on  
14 this virtual open house after a month. It was in early  
15 August. And we found that over 5,500 times, people  
16 entered the site. Over 1,500 of those were unique users.  
17 And from that many unique users, approximately -- well,  
18 17 filled out the questionnaire, and 24 total comments  
19 were given within that virtual open house format.

20 I guess, to your point, we did make a massive  
21 outreach with this and it did tend to bring quite a few  
22 people in, but the comments were relatively few in  
23 relation.

24 Q. The comment I was searching for is Comment 41.  
25 It says: Hello. This is legit -- all caps -- the

1 coolest project information site I've ever seen. Is this  
2 a specific platform or did APS code build this site?

3 And your response was -- well, I guess just:  
4 Thanks for sharing.

5 You know, in some of these cases where we've  
6 had live, in-person open houses, you may get, as we did  
7 here at the live open house, maybe 12 people. But it  
8 appears that using the virtual open house, you were able  
9 to get at least considerably more engagement using the  
10 virtual open house platform.

11 Does that -- does that sound right?

12 A. (By Mr. Eich) Absolutely. People tend to  
13 share links easier. It is available at times that maybe  
14 in-person open houses can't accommodate for some people's  
15 schedules, so we do find it beneficial.

16 Q. All right. What comes next after public --  
17 after the open house discussion? You want to talk about  
18 the stakeholder briefings, right?

19 A. (By Mr. Eich) Yes.

20 MEMBER GENTLES: Mr. Chair?

21 CHMN. KATZ: Yes.

22 MEMBER GENTLES: This is Member Gentles.

23 CHMN. KATZ: Yes, sir.

24 MEMBER GENTLES: Of course, I could write a  
25 conversation about public involvement and public

1 comments, so I wanted to jump in and just say a couple of  
2 things.

3 First, I would agree that the open -- the  
4 public outreach on this was pretty robust, and I really  
5 appreciate APS as they continue to enhance their  
6 outreach. They've done a great job in continuing to step  
7 up that outreach, including having virtual open houses.

8 And, also, the inclusion of analytics around  
9 what has been published, not only -- not only have you  
10 shown us what they've published, but the actual regional  
11 impact on what was published. And that's important. I  
12 think that trend, along with virtual open houses  
13 continuing, is a good thing.

14 But to the point about people not responding,  
15 you know, 1,700 people still -- I believe it was  
16 Mr. Eich -- is that how you pronounce your name?

17 MR. EICH: Yes, Eich.

18 MEMBER GENTLES: -- I believe visited the --  
19 unique visitors to the site. So the same person visited  
20 three or four times to go back and take their second,  
21 third, or fourth look.

22 So, I mean, you know, the effort here around  
23 public involvement is not necessarily just getting the  
24 comments, it's ensuring that people do see it and engage  
25 on their own terms. And some people may or may not

1 submit a formal comment.

2           Whereas, that's probably because this is not --  
3 this is a pretty straightforward case, right? It doesn't  
4 have power lines or anything running down historic  
5 neighborhoods like we'll see in Tucson, and that public  
6 comment and feedback has been extraordinary.

7           So we would expect that as, you know, other  
8 cases before the Siting Committee that we have perhaps  
9 more comments than -- than, you know, based on some --  
10 you know, where the site is.

11           But I say all that to say, one, I think it's  
12 heading in the right direction.

13           And then, secondly, I just want to close with  
14 this comment, which is, in the beginning of your remarks,  
15 you had said that there will be a fifth -- I think  
16 there's a fifth newsletter that goes out that summarizes  
17 the CEC and the action taken; is that correct?

18           MR. EICH: Yes. I said the fifth mailing will  
19 announce the decision as well as any future construction  
20 timelines.

21           MEMBER GENTLES: Okay. So the newsletter goes  
22 out. And then my favorite white signs go up where you  
23 indicate -- that shows -- shows the update on the  
24 project; is that right?

25           MR. EICH: I'm sorry. I didn't quite catch

1 what you said. The signs go up? Is that what you said?

2 MEMBER GENTLES: Right. The white signs at  
3 Milepost 293 that indicate what's going on with the  
4 project, right? That's going to occur?

5 MR. EICH: Yes.

6 MEMBER GENTLES: All right. And so to close  
7 out that loop, you've already started great social media  
8 efforts. Will you also be publishing those results on a  
9 social post that gets distributed far and wide?

10 MR. EICH: I believe we will. I don't see why  
11 we couldn't.

12 MEMBER GENTLES: Great.

13 That was a long-winded remark for a very short  
14 question, so I appreciate you hanging in there with me.

15 Thank you.

16 CHMN. KATZ: Thank you.

17 Q. BY MR. DERSTINE: You're going to address the  
18 social media campaign in a minute, but I think you're  
19 going to first cover the stakeholder briefings, right?

20 A. (By Mr. Eich) Yes.

21 So we met from the beginning and multiple times  
22 with the City of Goodyear, Avondale, and Litchfield Park  
23 city staff and council members to discuss the project and  
24 work with them on this project. We also met with the  
25 Arizona Department of Transportation, Flood Control

1 District of Maricopa County, and the Phoenix Goodyear  
2 Airport multiple times.

3 As Mr. Trenter mentioned earlier, we submitted  
4 formal letters. We also submitted emails to request  
5 feedback from these entities and others. And we also did  
6 some additional outreach to some of the businesses,  
7 particularly along the I-10, just to ensure that they  
8 were aware of this.

9 Q. And I think at APS Exhibit 16 is kind of a  
10 written summary of the various outreach efforts,  
11 including the stakeholder efforts, correct?

12 A. (By Mr. Eich) Yes.

13 Q. Okay. Project website.

14 A. (By Mr. Eich) So we created a project website  
15 under the APS banner at the beginning of this project  
16 where customers were asked to go and learn more about the  
17 project from our newsletters that we mailed out, in our  
18 email notifications, and social media ads.

19 This contained project information as well as  
20 project materials. As I mentioned earlier, newsletters,  
21 links to the Zoom -- I'm sorry, links to the virtual open  
22 house as well as information on how they could provide  
23 input on that web page. And it continued to be updated  
24 throughout the project.

25 We also included a project telephone

1 information line that customers could call in, leave  
2 messages, and request a call back to talk to a team  
3 member.

4 We also, as I mentioned, included email  
5 notifications that were sent out to customers within the  
6 project area, and those were sent -- our first one was  
7 sent on July 15th, 2020, in relation to the second open  
8 house. That's really when this email and social media  
9 got into -- swung into action. We also sent one June  
10 21st, 2021, and September 9th, 2021, in relation to the  
11 newsletters and postcards.

12 The information here on this bullet on the  
13 screen to my left, Screen 203, the sub-bullets show how  
14 many actually received those emails at that time, how  
15 many actually opened them, and how many actually clicked  
16 on the link, directing them to either the virtual open  
17 house or the project web page or both for each of those  
18 notifications.

19 Q. So looking at the information you have on Slide  
20 203, it looks like the number of emails increased over  
21 those three timeframes. The emails were sent out on July  
22 15th, June 21st, 2021, and September 9, 2021.

23 The numbers -- I assume when it says  
24 "recipients," that's just how many emails went out?

25 A. (By Mr. Eich) Yes. These are APS customers

1 within the project area. That's how we were able to send  
2 those out.

3 Q. Okay. But in terms -- and the unique click  
4 there at the end, that's how many people not only  
5 received the email but then clicked on the link to at  
6 least look at what was the information on the project?

7 A. (By Mr. Eich) Yes.

8 Q. Okay. And your unique clicks went up -- more  
9 than doubled over -- from the July 15, 2020, emailing to  
10 the September 9, 2021, emailing?

11 A. (By Mr. Eich) Yes.

12 Q. Do you have an understanding of why that -- why  
13 you got more unique clicks, why more -- people were more  
14 interested and willing to learn more about the project as  
15 you went along?

16 A. (By Mr. Eich) I can't speculate on that.

17 Q. Okay. But it's a good thing, right?

18 A. (By Mr. Eich) It is a good thing, yes.

19 MEMBER HAENICHEN: Mr. Chairman.

20 CHMN. KATZ: Yes.

21 MEMBER HAENICHEN: Could you explain why the  
22 number of recipients is so different on those three  
23 dates? Why weren't they all the same?

24 MR. EICH: My understanding is the growth of  
25 the area is -- is my understanding of why, or maybe

1 customers added their emails to our system.

2 Again, this is voluntary from the customer as  
3 to if and when they provide their email information.

4 MEMBER HAENICHEN: Oh. My understanding from  
5 earlier comments was that that initial -- that first  
6 number, the 20,000, 28-, and 30-, was the number of  
7 mailings you made. Is that incorrect?

8 MR. EICH: Yeah, these were the number of  
9 recipients that reached through email notifications right  
10 here.

11 MEMBER HAENICHEN: Why are they different?

12 MR. EICH: It could be a variety of things,  
13 whether new people coming into the area establishing  
14 accounts with APS and providing their emails with us.

15 MEMBER HAENICHEN: But they're only a few days  
16 apart. I can't imagine that would be a factor.

17 CHMN. KATZ: I think Member Haenichen is  
18 talking about the different numbers of people that  
19 received the actual letters --

20 MEMBER HAENICHEN: Yeah.

21 CHMN. KATZ: -- versus received emails.

22 MR. EICH: That is all under the email topic.  
23 So these are all actual emails here.

24 Q. BY MR. DERSTINE: Yeah. I guess Member  
25 Haenichen is pointing out between June 2021 and September

1 of 2021, your email recipients, that is, the number of  
2 emails you sent out, which I think is the same thing,  
3 went from 20,500 to 30,000 to 255 -- it sounds like  
4 there's some variables in that, in that you may be -- you  
5 indicated that there was growth over the timeframe in  
6 terms of the actual mailings of newsletters that went  
7 out. They increased by around 6,000 addresses, right,  
8 from the first newsletter over to the last? So that may  
9 explain some of it, in terms of the growth in the area.

10 But at the same time, the variable is that you  
11 only have email addresses if the customer is willing to  
12 provide it to you. And I assume that's when they open  
13 their account, or they could add their email address at a  
14 later time if they have an existing account; is that  
15 right?

16 A. (By Mr. Eich) That's my understanding, yes.

17 MEMBER HAENICHEN: It just seems remarkable to  
18 me that number could change by that large magnitude.

19 Q. BY MR. DERSTINE: We can -- why don't we circle  
20 back. You can -- you're not in charge of the emailings.  
21 You rely on -- who do you rely on to handle this part of  
22 the project?

23 A. (By Mr. Eich) We work with our Corporate  
24 Communication Group. They are the ones that send out the  
25 emails based on feeder information. Whatever customers

1 are on that feeder, they send out to those customers.  
2 And it isn't always confined exactly to our project study  
3 area or our notification area because those feeders kind  
4 of go past those boundaries, so to speak, but it would  
5 include, more or less, at least the entire area, study  
6 area, that we're working in.

7 Q. Right. Maybe at a break when you're not on the  
8 stand testifying, we can check with the Corporate  
9 Communications Group and just see if they have an  
10 explanation in terms of how the numbers changed and see  
11 if we can figure that out.

12 All right. But I think the main point you  
13 wanted to make here is that the customer emails are  
14 another channel, another way, that we reach out to people  
15 who are within the study area of the project. We're  
16 using our customer email list.

17 And as you indicated, these are email addresses  
18 of customers who are on -- served by feeders within the  
19 project area. So it's not going to exactly match up to  
20 the study area in terms of physical addresses, right?

21 A. (By Mr. Eich) Yes.

22 Q. But, again, you have the analytics from those  
23 emails to show how many people actually click on the  
24 email once they received it to learn more about the  
25 project, and that's an important data point for us,

1 right?

2 A. (By Mr. Eich) Yes.

3 Q. All right. Social media.

4 MEMBER GRINNELL: Mr. Chairman, this is Rick  
5 Grinnell.

6 CHMN. KATZ: Yes.

7 MEMBER GRINNELL: Going back to these emails.  
8 Sometimes when you get an overload of emails, some emails  
9 go to spam and they get kicked out, and then people will  
10 review their information and then go ahead and allow it  
11 to happen.

12 So there's a multitude of reasons why things  
13 get connected or not connected. And it's just an ongoing  
14 process of updating things on a regular basis. So I'm  
15 sure your communications team is trying to maximize the  
16 opportunity to get information out. Sometimes they just  
17 go to the junk pile, and then the viewer will look at  
18 them at a later date.

19 Point of information.

20 CHMN. KATZ: Thank you, Member Grinnell.

21 Q. BY MR. DERSTINE: All right. So take us --  
22 tell us about the social media, how it was used to  
23 publicize the project.

24 A. (By Mr. Eich) Yes. We used social media,  
25 specifically Facebook and Instagram, which APS utilizes

1 to place advertisements. And that was sent out in  
2 regards to this project on July 15th, 2020, in connection  
3 with our second open house, our virtual open house.

4 Over 77,000 people were reached in that and 89  
5 took action, meaning clicked on that link of the ad.

6 On September 15th, 2021, another Facebook and  
7 Instagram posting was sent out in relation to this  
8 hearing, where it reached 40,914 people and 34 taking  
9 action.

10 We also included -- on the screen on the right,  
11 it shows some of these ads from APS, specifically, and  
12 directing the person to the project web page in this  
13 particular ad to learn more and to provide input as well  
14 as directing them to the project web page to learn more.

15 Q. Looking at Slide 205, when it says "people  
16 reached," what does that mean? If I open up my Facebook,  
17 assuming it's online -- and I was devastated yesterday  
18 when it was down for a number of hours. But assuming  
19 Facebook is working, when it says "people reached," what  
20 does that mean?

21 A. (By Mr. Eich) My understanding is that the ad  
22 actually popped up while someone was on their Facebook or  
23 Instagram.

24 Q. Okay. So we send out the Facebook ads to a --  
25 kind of a geotargeted area that coincides with the study

1 area. Do I have that right?

2 A. (By Mr. Eich) Yes. They take a radius based  
3 on an address. It could be a 1-, 2-, 3-mile-wide radius.  
4 And that's kind of the radius that they use to send out  
5 these ads.

6 In this particular geometric shape, I believe  
7 we placed two different geographic radius locations for  
8 the first one. And the second one, we just did one huge  
9 one. It overlapped the study boundary as well, just to  
10 ensure we got everybody in that study area.

11 Q. Okay. So we press the button, it sends it out  
12 to the geotargeted Facebook customers. And then "people  
13 reached" is your belief is that it's actually opened up,  
14 got onto Facebook, and it was on my feed. And then  
15 whether I did anything with it is the taking action part.  
16 And that's if I clicked on the ad to get more  
17 information?

18 A. (By Mr. Eich) Yes.

19 I did want to point out that besides the APS  
20 portion of sending these out, we also had APS customers  
21 send out tweets, LinkedIn, other Facebook ads. Even the  
22 City of Avondale and the City of Goodyear also sending  
23 out information related to this project and just other  
24 customers. So, again, getting other people involved in  
25 this.

1 Q. So the City of Goodyear and Avondale had their  
2 own Facebook page, and they made posts about the project  
3 to -- as another way of letting people know about the  
4 project; is that right?

5 A. (By Mr. Eich) Yes, they did.

6 Q. And when you're saying "other customers,"  
7 you're saying APS customers would have forwarded the ad  
8 to other people or -- I guess I'm a little puzzled about  
9 how that worked.

10 A. (By Mr. Eich) Yes. So they would just forward  
11 a post regarding the virtual open house.

12 For example, we have an APS customer that sent  
13 a copy of the Zoom -- not the Zoom, I'm sorry -- the  
14 virtual open house information on her site and sent it  
15 out as well as this customer.

16 My wife also sent out some posts to some groups  
17 she's affiliated with. So, to your earlier point at the  
18 beginning, it kind of was a family effort, but we did  
19 what we could.

20 Q. Okay. Interesting. All right.

21 MEMBER GENTLES: Mr. Chair.

22 CHMN. KATZ: Yes, Member Gentles.

23 MEMBER GENTLES: Did you, APS, Mr. Eich, work  
24 directly with the City of Goodyear to send out those  
25 posts, or did they just do that independently?

1 I think it's a great thing because it clearly  
2 extends the audience outside of just APS customers.

3 MR. EICH: Yes. We -- as I mentioned, we  
4 worked with them very closely throughout this project,  
5 and we did ask if they would be willing to send out that  
6 notification as well as the Goodyear -- I'm sorry, the  
7 City of Avondale.

8 CHMN. KATZ: I think that was Member Gentles  
9 that made the last comment and asked the last question.  
10 Thank you.

11 You may proceed, Counsel.

12 Q. BY MR. DERSTINE: And then your last bullet  
13 there gets back to the comment I made about the number of  
14 comments. Do you want to summarize the comments  
15 received?

16 A. (By Mr. Eich) Yes. Just in summary, we --  
17 through all this effort, we received approximately 50  
18 comments. Those were received in person, by email, by  
19 phone, by virtual open house, and even a physical letter.  
20 So I think we hit quite a variety a ways in which we  
21 received input. But, again, approximately 50 comments.

22 MR. DERSTINE: Okay. I received a note in  
23 responding to Member Haenichen's question about the  
24 change in the email recipients on the email campaign, and  
25 I think the change in numbers came about for two reasons:

1           One, customers being added to feeders, so  
2 that's new customers. That's the growth that's  
3 experienced in the area that Mr. Eich had previously  
4 testified to. There was an increase in 6,000 addresses  
5 within the study area alone over the public outreach  
6 portion of the project.

7           And APS made a registration push to get  
8 corrected and additional emails, get customers to add  
9 their emails to their customer information within the  
10 study area, and that accounted for the other increase.

11           So new customers as well as an effort to get  
12 updated and better email information on customers.  
13 That's how that -- those numbers grew.

14           Q.     BY MR. DERSTINE: I think that's all you have  
15 on public outreach and engagement, right?

16           A.     (By Mr. Eich) Yes.

17           Q.     I think this last -- we have conclusions here.  
18 What we talked about doing was maybe just having a short  
19 wrap-up from all of our witnesses in terms of touching on  
20 the key points or what we thought were the important  
21 takeaways that you would like the Committee to remember  
22 as they deliberate over this project.

23                   Are we prepared to do that now?

24           A.     (By Mr. Eich) I think so.

25           Q.     Mr. Wiley, do you want to start with you?

1           A.       (By Mr. Wiley) So, in closing, I believe the  
2 230kV lines do meet the long-term needs of the customer,  
3 Compass Datacenters, as well as the continued load growth  
4 in the surrounding areas.

5                   APS's as well as Staff's findings indicate that  
6 the reliability of the transmission system is maintained  
7 with the addition of this project.

8                   MEMBER HAMWAY: Mr. Chairman.

9                   CHMN. KATZ: Yes. Go ahead.

10                  MEMBER HAMWAY: I do have a couple of questions  
11 that came to me last night, and I wasn't sure when would  
12 be the right time to ask them.

13                  CHMN. KATZ: Now would be fine.

14                  MEMBER HAMWAY: They go back to the purpose and  
15 need and what we talked about yesterday.

16                         And so -- I always want to say Compass --  
17 Campus. No, Compass. What is it? Compass.

18                         Compass Datacenters is selling a product. And  
19 it's their desire, it's their business model, to provide  
20 redundant transmission, correct? Or the redundant loop?  
21 That's their business model, that they feel that they  
22 need that?

23                         MR. WILEY: They and their customers have  
24 requirements to be fed the redundant sources. Those  
25 redundant sources are provided by APS.

1           MEMBER HAMWAY: Right. So I guess my point is,  
2 they're a private company and they are selling a product  
3 and they're making a guarantee to their customers that --  
4 of reliability.

5           So I guess I don't understand why APS -- so is  
6 this going to be paid for by APS or by Compass?

7           MR. WILEY: The cost for this project will be  
8 up-fronted by the customer.

9           MEMBER HAMWAY: Okay. And will they get  
10 reimbursed over time?

11          MR. WILEY: There is the potential for  
12 reimbursement based on their load.

13          MEMBER HAMWAY: Okay. And then there is also  
14 five other 230kV substations in development. That's from  
15 your testimony. So do all of those require the same kind  
16 of redundancy that we're putting here at this particular  
17 datacenter?

18          MR. WILEY: That's correct.

19          MEMBER HAMWAY: They do.

20          And so all of those five datacenters will also  
21 put up the up-front costs also, correct? I mean, they  
22 are probably -- they may or may not be APS clients or  
23 customers, these other five. Are they?

24          MR. WILEY: The five that I noted in my earlier  
25 testimony are all APS customers.

1 MEMBER HAMWAY: Okay.

2 MR. WILEY: And the intent would be for the  
3 customer to up-front the cost of the project.

4 MEMBER HAMWAY: 100 percent?

5 MR. WILEY: That's my understanding.

6 MEMBER HAMWAY: Okay. Great. Thank you.

7 CHMN. KATZ: You may go ahead, Mr. Wiley, with  
8 your concluding remarks.

9 MEMBER LITTLE: Mr. Chairman.

10 CHMN. KATZ: Yes, Member Little.

11 MEMBER LITTLE: I have a couple questions also.

12 I understand the need for redundancy for a  
13 project like this. And I'm a little concerned about the  
14 fact that we are having two lines put in for that  
15 distance, but then at the very -- right at the project  
16 site, or the site of the construction, they're going  
17 to put both circuit lines on one tower for a couple of  
18 spans there. That's not really good redundancy. And I'm  
19 wondering, obviously, is that satisfactory to the  
20 customer.

21 MR. WILEY: Member Little, that is correct.  
22 But entering in the substation, there would be a span,  
23 maybe two spans, of double-circuit to bring those in. We  
24 are physically constrained on the amount of land to bring  
25 in two separate structures.

1           Given the overall --

2           MEMBER LITTLE: Go ahead.

3           MR. WILEY: Given the over length of the  
4 project, approximately 7 1/2 miles, the portion that is  
5 double-circuited is very small. And my understanding is  
6 that the customer is very well aware of the fact that we  
7 are bringing these in in that particular alignment,  
8 double-circuited alignment.

9           MEMBER LITTLE: Okay. And the trade-off here  
10 is that you just have a small portion that doesn't have  
11 redundancy compared to length of the whole project?

12          MR. WILEY: Correct. A very small portion of  
13 the overall project would be double circuit. However,  
14 the vast majority of the project, in the fact that the  
15 remainder of the project exposure is single circuit,  
16 minimizes the risk to losing customer load for its low  
17 contingency.

18          MEMBER LITTLE: Okay. My other question has to  
19 do with where the 69kV is going to be basically  
20 collocated with the 230kV.

21          At one point, I believe that someone mentioned  
22 the fact that there is a 69kV circuit that is not  
23 existing but will be existing when the 230kV project is  
24 built. Am I correct in that or did I misunderstand that?

25          MR. WILEY: We have a project right now to

1 energize a new substation, the APS Goodyear Substation.  
2 That is looking to be energized after this month, I  
3 believe. So that will be in place before the 230kV  
4 infrastructure is in place.

5 MEMBER LITTLE: But that 69kV line has already  
6 been built?

7 MR. WILEY: I'm not sure if it's been completed  
8 at this point. My understanding is that project will be  
9 completed this month.

10 MEMBER LITTLE: That was my question. I was  
11 thinking if the project hadn't even begun yet, it might  
12 make more sense to go ahead and just put in the 230kV on  
13 the bigger poles now.

14 That answers my question. Thank you.

15 CHMN. KATZ: Thank you.

16 Counsel.

17 Q. BY MR. DERSTINE: Let's start over, Mr. Wiley.  
18 And I apologize for not making sure the panel was  
19 available to answer any last-minute questions from  
20 Members of the Committee. But again, please jump in with  
21 any questions as they occur to you.

22 But why don't you go ahead and start again with  
23 kind of a -- the important or the key take-ways from your  
24 perspective, Mr. Wiley.

25 A. (By Mr. Wiley) Sure.

1           The 230kV lines meet the long-term needs of the  
2 customer, Compass Datacenters, to serve their anticipated  
3 need of 30 megawatts of load. This also helps the  
4 continued load growth in the surrounding areas as well.

5           Both APS findings and the findings of Staff are  
6 that the reliability of the transmission system is  
7 maintained with the addition of this project.

8           Q.     Mr. Eich?

9           A.     (By Mr. Eich) Yeah. The preferred route is  
10 the preferred the route because -- I mean, for various  
11 reasons. But the reason that I will focus on is that's  
12 really where the public and the stakeholders preferred  
13 it. They wanted to keep it away from the residential  
14 neighborhoods and off business as much as possible, also  
15 collocate with existing lines. And this preferred  
16 alignment I believe meets that request quite well.

17          Q.     Mr. Trenter or Ms. O'Neil? Whoever wants to go  
18 first.

19          A.     (By Ms. O'Neil) As mentioned, both the City of  
20 Goodyear and City of Avondale both support the project.  
21 A lot of the public and stakeholder input on the project  
22 specifically indicated that collocation with the  
23 interstate or collocation with the existing transmission  
24 line was preferable to other routes that were considered.

25                 And both jurisdictions, the City of Goodyear

1 and the City of Avondale, designated this area as a  
2 growth area for business, for commerce, for the  
3 industrial development that we're seeing taking place at  
4 a rapid pace, transitioning from agricultural to  
5 industrial land use.

6 The scenic quality in the study area is --  
7 lacks interesting vegetative land form features, and it  
8 is dominated by the development of the highway that is  
9 within the study area.

10 The change, certainly where the project is  
11 replacing an existing line, is similar, not exact, but  
12 similar in adding tall vertical structures to the  
13 landscape or replacing tall vertical structures in the  
14 landscape.

15 So it is my opinion that it is compatible both  
16 from the land use and from the individual resource  
17 standpoint.

18 Q. Mr. Trenter.

19 A. (By Mr. Trenter) Yeah. I would say for this  
20 particular project, all of the alternatives are  
21 environmentally compatible. It's unique in a developed  
22 setting to be able to have a project that collates with  
23 either subtransmission line or freeway for over 80  
24 percent of the project.

25 In particular, the preferred route moves away

1 from the residential development on the south side of the  
2 interstate. And I think, secondly, it also allows the  
3 City of Goodyear and other entities that haven't built in  
4 that area to plan in the future for that line. And that  
5 would be the main reason I would say the preferred route  
6 would be the route that should be selected.

7 Q. All right. Anything final from our witnesses?

8 CHMN. KATZ: Any questions from any of our  
9 Members?

10 MR. DERSTINE: I think that -- Ms. Benally, is  
11 there more that we need to present?

12 MS. BENALLY: Thank you, Mr. Derstine.

13 I believe that concludes our direct case. Just  
14 a moving of exhibits would be the other item.

15 MR. DERSTINE: Okay. If we want to do that  
16 process now, move the exhibits, we can do that fairly  
17 efficiently in terms of identifying the exhibits that  
18 have been testified to by the witnesses.

19 CHMN. KATZ: We have time to do that if you  
20 wish.

21 MR. DERSTINE: I think this is the appropriate  
22 time to do it. Just looking ahead, we are going to be  
23 resting and concluding our case, be prepared to do just a  
24 very short closing statement. If we want to do that  
25 after the lunch break, and then it's whatever the

1 Committee would like.

2 I know there's been a concern in the past about  
3 doing deliberations late in the day but maybe work early  
4 enough, if we do it right after lunch, that we can  
5 proceed in that manner.

6 CHMN. KATZ: I'll hear from Members of the  
7 Committee shortly. But it seems to me that if you go  
8 ahead and admit the appropriate exhibits, the relevant  
9 exhibits that have been discussed, we can break until,  
10 let's say, 1:00, or we'll see what time it is when we're  
11 done with that, but take about an hour break. And then I  
12 figure your closing remarks will be, what, half an hour?

13 MR. DERSTINE: Less than that.

14 CHMN. KATZ: So it seems to me, unless there's  
15 some opposition, that we could deliberate after those  
16 closing remarks this afternoon.

17 I do understand, I believe, that -- I might be  
18 wrong, but Mr. Grinnell can't be present between 1:00 and  
19 3:00?

20 MEMBER HAMWAY: Mr. Riggins.

21 CHMN. KATZ: Or Mr. Riggins. Excuse me.  
22 Member Riggins. I don't think Mr. Riggins is with us  
23 right now.

24 MEMBER RIGGINS: Mr. Chairman, I'm here.

25 CHMN. KATZ: Okay. Yes.

1           MEMBER RIGGINS: I'll try to be present at  
2 1:00. I just have a conflict that I might not be able to  
3 get out of. So I will try my best to be here.

4           CHMN. KATZ: Okay. And we won't be doing the  
5 deliberations immediately. There will be a closing  
6 remark.

7           And then I just had one question before we  
8 begin those deliberations to ask of all of you, but I'll  
9 keep you in suspense until we get back.

10           But we are recessing -- oh, no. Go ahead with  
11 your exhibits -- your offering of exhibits, and then  
12 we'll break for lunch.

13           MS. BENALLY: Thank you, Mr. Chairman.

14           Would you like to admit the exhibits by number?

15           CHMN. KATZ: That will be fine. We don't need  
16 to go by name.

17           MS. BENALLY: So the only addition I would like  
18 to make before I move the exhibits is APS-24. That is an  
19 exhibit that Mr. Chairman asked to have added, and that  
20 is the Compass Datacenter video that was shown by  
21 Mr. Chris Curtis. That's been uploaded to a USB drive  
22 that will be provided to the court reporter and filed at  
23 Docket.

24           CHMN. KATZ: Okay. Exhibit 24 will be the  
25 Compass video that was played?

1 MS. BENALLY: That's correct.

2 So APS moves request the movement -- pardon  
3 me -- moves Exhibits APS-1 through APS-24.

4 CHMN. KATZ: I don't see any reason that they  
5 shouldn't all be received into evidence and made part of  
6 the record.

7 (Exhibits APS-1 through APS-24 were admitted.)

8 MS. BENALLY: Thank you.

9 CHMN. KATZ: Okay.

10 Let me just ask: It's about a quarter to  
11 12:00. Do we want to start at about 12:45, or do we want  
12 to wait until 1:00?

13 MEMBER HAMWAY: Go for it.

14 MR. DERSTINE: If you'd like -- I haven't given  
15 an awful lot of thought. We are actually done with the  
16 case a bit sooner I thought we would be. But I'm happy  
17 to make some closing remarks now and have that done, and  
18 we can just come back and get right back to it.

19 CHMN. KATZ: Okay.

20 MR. DERSTINE: We have a few minutes before the  
21 lunch hour.

22 CHMN. KATZ: Yeah. Anybody object to having  
23 the closing remarks made between now and, let's say,  
24 noon, and then taking an hour break and then beginning  
25 deliberations thereafter?

1 (No response.)

2 CHMN. KATZ: Hearing silence, why don't you go  
3 ahead.

4 MS. BENALLY: Mr. Derstine, if I may before you  
5 start, I would also just like to inform the Committee  
6 that we have provided Chairman's Exhibit 1, which is the  
7 Chairman's Proposed Form of Order, which includes red  
8 lines that the company had provided. So I just wanted to  
9 make you aware that that's been made available to the  
10 Committee Members in the room as well as made available  
11 to those who are appearing electronically.

12 Sorry for the interruption, Mr. Derstine.

13 Thank you.

14 MR. DERSTINE: It's been a surprising case to  
15 me in some ways. In my opening, I indicated that, you  
16 know, the case was really about two things: One was  
17 serving the unique needs of a datacenter customer, and  
18 the second was, you know, how do you string two lines,  
19 two independent 230kV transmission lines, from 3 miles  
20 across Goodyear and Avondale to get to this customer?

21 And, you know, when we first met to talk about  
22 the project, I anticipated that this was going to be  
23 controversial and that people would have a lot to say  
24 about this project and that we would have some bumps  
25 along the road. And I think -- I think it's a testament

1 to the planning and the efforts that Mr. Eich and  
2 Mr. Trenter and Ms. O'Neil made in terms of the planning  
3 for this project that we have three newsletters, 30,000  
4 addresses, all of the emails, all the efforts to engage  
5 the public and to communicate with stakeholders, and we  
6 landed on kind of a consensus route in terms of the  
7 preferred route that we've shown you that the public  
8 supports, as the witnesses have testified, put the line  
9 along I-10. And for the southern leg, collocate it with  
10 the existing 69kV line along Van Buren where it's largely  
11 businesses and business interest and commercial land  
12 uses.

13           Datacenters are unique customers. As we  
14 indicated, the load for a datacenter is equivalent to a  
15 small town. And we've got more and more of these coming  
16 into the West Valley. This part of Phoenix is attracting  
17 datacenters. We've got more of those projects to come.  
18 And they have unique infrastructure needs.

19           The reliability requirements require this  
20 redundancy in the independent 230kV lines. And the  
21 load -- given the load, they also -- the load and the  
22 reliability needs, they require a dedicated substation,  
23 and that's unique.

24           You know, every customer that requests service  
25 from APS in its service territory is entitled to service,

1 and APS has to find a way to serve them. It's just a  
2 much easier task when we're -- you have a family who's  
3 moving into their new home or someone's moving into a new  
4 apartment or someone's starting a new business and they  
5 contact APS and request service. That's a pretty simple  
6 thing.

7           When you have a datacenter that's going to  
8 require 300-and-some megawatts of power and the  
9 reliability needs, that's a unique customer. That's a  
10 different kind of task. And that was this project.

11           And here we are with the routes and a plan to  
12 serve this customer in a way that I think significantly  
13 minimizes the impacts of this project on the folks who  
14 live in Goodyear and Avondale. It minimizes the impacts  
15 on the businesses that are here.

16           And I'm not one to generally heap praise on  
17 people, but I think the folks here did a nice job. I  
18 generally complain about them more than I praise them,  
19 but I think the project team here did a very nice job,  
20 and it made it easy now to present this case. And that's  
21 why I think we're done after day two after spending a day  
22 and a half here in front of the Committee.

23           I think the main takeaways, as the panel has  
24 indicated, is that this project is needed. APS has an  
25 obligation to serve this customer. The needs of this

1 customer are two independent 230kV lines at a dedicated  
2 substation. We're able to provide that, and we're able  
3 to provide it in a way that minimizes the impacts on the  
4 surrounding area.

5 And the project is environmentally compatible.  
6 We're doing it at a built-up urban environment. There  
7 are no real impacts to listed species or vegetation and  
8 habitat.

9 The main concern in projects like this are, you  
10 know, impacts to residents, and we've been able to come  
11 up with routes that minimize the impact to residents.  
12 And we've done that by I think having this -- a great  
13 outreach campaign that folks were able to tell us where  
14 to put the line. And the most important piece is we  
15 listened to it.

16 Sometimes people tell you when you do outreach  
17 on a project like this -- they tell you lots of things,  
18 and sometimes they want you to do things that you can't  
19 do. But in this case, the input and the feedback from  
20 the public was put it along the highway, put it along  
21 Van Buren, use the existing transmission line.

22 We were able to do that. We did that here.  
23 And that's this project. And that's why it minimizes the  
24 impacts.

25 And so we respectfully request that you grant a

1 CEC for the preferred route.

2 We appreciate all your time and your continued  
3 service on this Committee. It's important what you do  
4 here, and we greatly appreciate it. So thank you.

5 CHMN. KATZ: Thank you, Counsel, and thank you,  
6 APS, for your presentation.

7 I had one thing that I wanted to run by all of  
8 you before we break for lunch. And that is, I'm going to  
9 informally ask whether or not any of the Members of the  
10 Committee are opposed to us just considering the  
11 preferred route as opposed to Alternatives 1 and 2. And  
12 if need be, we can have a motion and take a vote on that.

13 But we're going to be reviewing the CEC, its  
14 conditions, its Findings of Fact and Conclusions of Law.  
15 But we can do that for all three. But I don't think we  
16 want to do that. But I don't know whether anybody that's  
17 been following these proceedings favors Alternatives 1  
18 and 2. And if so, we can take a vote on it.

19 Otherwise, I would maybe ask just for a motion.  
20 And we're not going to put it in the CEC, but a motion  
21 from somebody to review the CEC for the preferred route  
22 only.

23 Anybody? And if there's any discussion --  
24 well, we need a motion first, and then we can have  
25 discussion.

1 MEMBER HAMWAY: Okay. I move that this  
2 Committee just consider the -- what is it called -- the  
3 preferred route.

4 MEMBER HAENICHEN: Second.

5 CHMN. KATZ: Was there a second?

6 MEMBER HAENICHEN: Second.

7 CHMN. KATZ: All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN. KATZ: Anybody opposed?

10 (No response.)

11 CHMN. KATZ: We're just going to consider,  
12 then, Alternative -- excuse me, the preferred route when  
13 we review the CEC, and we'll do that at about 1:00.

14 Thank you all. Enjoy your lunch or take a nap  
15 or do whatever you need to do, but we'll see you back  
16 here at 1:00.

17 Thank you. We're off the record.

18 (A recess was taken from 11:52 a.m. to  
19 1:05 p.m.)

20 CHMN. KATZ: We're going to go back on the  
21 record.

22 All of the Members who are present, either  
23 virtually or here in the room today, whoever has been  
24 present throughout this hearing, is again assembled here  
25 right now. We haven't lost any of you.

1           And what I propose doing -- and I've only sat  
2 through one of these hearings previously. But what I'll  
3 do, is initially, on some of the introductory stuff, I'll  
4 go for several lines and ask for a motion to approve.  
5 And then after that, we will go ahead and go through  
6 various sections of this.

7           We'll review the conditions one at a time. I'm  
8 not going to read anything to you. You should all have  
9 copies of it in front of you.

10           And there will be certain things -- when APS  
11 presented this, they made reference to some of the other  
12 CECs that this Committee has issued. We'll get rid of  
13 almost everything that is in red or in color or in  
14 parentheses or brackets.

15           Any questions from any of our members before we  
16 begin?

17           (No response.)

18           CHMN. KATZ: Okay. What I want to do is I  
19 think we'll skip the first paragraph and do it at the  
20 very end because it calls for our final vote approving  
21 whatever it is that we agree to do with the CEC, so I'll  
22 hold off.

23           Going on to page 2 -- well, I'm assuming that  
24 nobody -- I don't think we need a motion to approve the  
25 heading or the caption. So we'll go, if everyone agrees,

1 to page 2.

2 And I might suggest that on page 2, someone  
3 present us with a motion to approve lines 1 through -- I  
4 think it's 23 -- or 23 and a half.

5 Anybody want to move and then second that?

6 MEMBER HAMWAY: So we're not -- I thought we  
7 were going to wait to do this because we haven't taken  
8 the vote. So I misunderstood what you were --

9 CHMN. KATZ: Well, what I was going to do -- we  
10 can go right to the overview of the project.

11 MEMBER HAMWAY: Okay. I'm good. I just didn't  
12 know what I was making a motion on.

13 CHMN. KATZ: The following members were  
14 present -- hold on a second.

15 MEMBER HAMWAY: Okay. I move whatever.

16 CHMN. KATZ: No, I think we'll skip the whole  
17 first and second page, and we'll come back to the second  
18 page through line 23.

19 And the overview of the project is then  
20 contained at I think lines 20- -- I can't tell whether  
21 it's 27 or 28, but the last two lines on page 2 through  
22 line 5 on page 3, I would ask for a motion.

23 But there's also an Exhibit A, and I might ask  
24 counsel to explain what that Exhibit A that will be  
25 attaching to the CEC is.

1 MS. BENALLY: Mr. Chairman, this is Linda  
2 Benally.

3 Exhibit A is in two parts. The first page is a  
4 narrative description of the approved corridor that was  
5 presented by Mr. Eich and Mr. Trenter during the course  
6 of the hearing. It does include some legal nuances, if  
7 you will, for legal descriptions. That's the first page  
8 of Exhibit A.

9 The second page of Exhibit A is the actual  
10 corridor map. It's titled Approved Corridor, and it  
11 denotes the corridor in color as well as the widths of  
12 each of the various corridor widths for the course of the  
13 approved corridor.

14 CHMN. KATZ: And based upon our discussion and  
15 vote immediately prior to the last recess, we agreed that  
16 we would be going with the preferred route, which will  
17 now be treated as the actual route should we approve this  
18 CEC.

19 Anyway, what I'd like to do is have a motion,  
20 then, if we could, to approve 27 and 28, or the last two  
21 lines on page number 2, through line 5 on page 3,  
22 including the Exhibit A, which was just described.

23 MEMBER HAMWAY: So moved.

24 CHMN. KATZ: Any second?

25 MEMBER PALMER: I'll second that.

1 CHMN. KATZ: All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN. KATZ: Anybody opposed?

4 (No response.)

5 CHMN. KATZ: Moving on, we are going to take  
6 one condition at a time. And we will start out at line 7  
7 and go through line 14, which is the introductory  
8 sentence as well as the first condition. And we'll be  
9 removing some of the things that have been -- well, I see  
10 they're already stricken -- oh, no, they're not, where it  
11 says "RE Papago," etc. That will be stricken.

12 But do we have a motion to approve the first --  
13 the introductory sentence and the first paragraph?

14 MR. DERSTINE: Mr. Chairman, could I just  
15 comment on lines 7 and 8 at the beginning where -- that  
16 new language that it says: Enforceable against APS as it  
17 relates to the project.

18 My only caution with that change is that CECs  
19 are oftentimes transferred. So calling out specifically  
20 the applicant may create some confusion in that this  
21 certificate could be transferred at a later date and  
22 time. And the Committee -- and I think the view is that  
23 the CEC and the conditions contained in the CEC are  
24 applicable to any party that holds the CEC transferred to  
25 it at a later date.

1           So my worry here with that additional language  
2 is that it's not necessary and may be somewhat confusing  
3 if there's a subsequent transfer.

4           CHMN. KATZ: We can discuss that momentarily.  
5 But the only other question I would have of you is does  
6 it make sense to keep it enforceable against APS or its  
7 successor in interest?

8           MR. DERSTINE: That would -- you could use that  
9 language.

10          CHMN. KATZ: Anybody have a -- any discussion?  
11 Should we just change it?

12          Do we need a motion to amend it to read:  
13 Enforceable against APS or their successor in interest?

14          MEMBER HAMWAY: Yes, we do.

15          MEMBER PALMER: So moved.

16          CHMN. KATZ: Second?

17          MEMBER HAENICHEN: Second.

18          CHMN. KATZ: All in favor of that modification  
19 say "aye."

20          (A chorus of "ayes.")

21          CHMN. KATZ: Any opposed?

22          (No response.)

23          CHMN. KATZ: Hearing nothing in that regard,  
24 then I will just move that we accept the modified  
25 introductory sentence and Condition 1 as written.

1 Is there a motion?

2 MS. BENALLY: Mr. Chairman, I apologize for the  
3 interruption.

4 CHMN. KATZ: Sure. Feel free. We need to  
5 discuss these things.

6 MS. BENALLY: Aileen De Los Angeles, who is  
7 making our changes here on the screen, needs to recapture  
8 that change. So if we could get her to make that change  
9 on the right-hand screen, that would be, I think,  
10 appropriate.

11 CHMN. KATZ: Okay.

12 MR. DERSTINE: I'm suggesting the change is  
13 "successor in interest relating to the project."

14 CHMN. KATZ: We can just say "relating to the  
15 project." That's fine. I don't think we need a motion.  
16 We can look at the grammar. We are going to vote on the  
17 whole thing when we are done anyhow.

18 MEMBER HAENICHEN: Where it says "relate,"  
19 "relating."

20 CHMN. KATZ: Say that again. We changed "as  
21 they relate to" --

22 Do we have a motion?

23 MEMBER PALMER: Mr. Chairman, I move that we  
24 approve beginning with line 7 under the Conditions, lines  
25 7 and 8 and Condition 1 as presented.

1 MEMBER HAMWAY: Second.

2 CHMN. KATZ: All in favor.

3 (A chorus of "ayes.")

4 CHMN. KATZ: Anyone opposed?

5 (No response.)

6 CHMN. KATZ: Hearing silence, we will move on  
7 to the next condition, and just was wondering whether --  
8 well, the first thing we'll do is have a motion and a  
9 second. If we get that, we can have some discussion.  
10 And if counsel have any comments that they want to  
11 relate, they may.

12 But do we have a motion to approve the second  
13 condition?

14 MEMBER HAMWAY: So moved.

15 CHMN. KATZ: And it's lines 15 through 25.

16 Is there a second?

17 MEMBER LITTLE: Second.

18 CHMN. KATZ: All in favor -- well, is there any  
19 discussion?

20 (No response.)

21 CHMN. KATZ: All in favor say "aye."

22 (A chorus of "ayes.")

23 CHMN. KATZ: All opposed?

24 (No response.)

25 CHMN. KATZ: We will go on to lines 27 and 28,

1 which is Condition No. 3, that goes through line 5 on  
2 page number 4. If you need to take a minute to look at  
3 it, that's fine.

4 But if anybody is ready to make a motion,  
5 please do so.

6 MEMBER PALMER: Mr. Chairman, does it go  
7 through line 5, or does it include those --

8 CHMN. KATZ: Excuse me. It's through line 14.  
9 My apologies.

10 MEMBER PALMER: Mr. Chairman, I move  
11 Condition 3 as written.

12 MEMBER HAMWAY: Second.

13 CHMN. KATZ: Any further discussion?

14 (No response.)

15 CHMN. KATZ: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN. KATZ: Is anyone opposed?

18 (No response.)

19 CHMN. KATZ: Condition No. 4 is at line 15 on  
20 page 4 through line 18.

21 And do we have a motion?

22 MEMBER HAENICHEN: I move Condition 4.

23 CHMN. KATZ: Second?

24 MEMBER HAMWAY: Second.

25 CHMN. KATZ: All in favor?

1 (A chorus of "ayes.")

2 CHMN. KATZ: Anyone opposed?

3 (No response.)

4 CHMN. KATZ: Condition No. 5 begins at line 19  
5 through line 22.

6 Do we have a motion?

7 MEMBER LITTLE: I move Condition 5.

8 CHMN. KATZ: And does the reporter need me to  
9 call out the name of the person?

10 Any second?

11 MEMBER HAMWAY: Second.

12 CHMN. KATZ: Any discussion?

13 (No response.)

14 CHMN. KATZ: All in favor say "aye."

15 (A chorus of "ayes.")

16 CHMN. KATZ: All opposed?

17 (No response.)

18 CHMN. KATZ: Hearing nothing.

19 Also, are we going to remove the references to  
20 the CEC 189? That's just to show the Committee Members  
21 and the public for this discussion where it came from.

22 MS. BENALLY: Yes, Mr. Chairman, CEC 189 and  
23 other references will be removed.

24 CHMN. KATZ: Thank you very much.

25 We'll go on to Condition No. 6, line 23 through

1 line 26.

2 And is there a motion?

3 MEMBER HAMWAY: I move Condition 6.

4 CHMN. KATZ: Second?

5 MEMBER PALMER: Second.

6 CHMN. KATZ: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN. KATZ: All opposed?

9 (No response.)

10 CHMN. KATZ: Moving on to page 5, which begins  
11 at No. 7, line 1 through line 9.

12 Do we have a motion?

13 MEMBER HAMWAY: So moved, Condition 7.

14 CHMN. KATZ: Second?

15 MEMBER HAENICHEN: Second.

16 CHMN. KATZ: Any discussion?

17 (No response.)

18 CHMN. KATZ: All in favor say "aye."

19 (A chorus of "ayes.")

20 THE WITNESS: Anybody opposed?

21 (No response.)

22 CHMN. KATZ: Hearing silence, we'll move on to  
23 Condition 8, which is at line 10 through line 13 on page  
24 5.

25 MEMBER HAENICHEN: I move Condition 8.

1 CHMN. KATZ: Second?

2 MEMBER HAMWAY: Second.

3 CHMN. KATZ: All in favor.

4 (A chorus of "ayes.")

5 CHMN. KATZ: Opposed?

6 (No response.)

7 CHMN. KATZ: Moving on to Condition 9, which is

8 on page 5, line 14 through line 23.

9 Do we have a motion?

10 And if you need a minute to read it, go ahead.

11 Anybody want to move to approve Condition

12 No. 9?

13 MEMBER HAMWAY: I'll move Condition No. 9.

14 CHMN. KATZ: Any second?

15 MEMBER LITTLE: Second.

16 CHMN. KATZ: All in favor, please say "aye."

17 (A chorus of "ayes.")

18 CHMN. KATZ: Anyone opposed?

19 (No response.)

20 CHMN. KATZ: Hearing silence, we will move on

21 to Condition 10, which is on page 6, lines 1 through 4.

22 MEMBER HAMWAY: I move Condition 10.

23 MEMBER HAENICHEN: Second.

24 CHMN. KATZ: All in favor -- well, is there any

25 discussion?

1 (No response.)

2 CHMN. KATZ: All in favor.

3 (A chorus of "ayes.")

4 CHMN. KATZ: All opposed?

5 (No response.)

6 CHMN. KATZ: Hearing silence.

7 I think we may have some discussion on this  
8 one. I'll wait and see.

9 Take a look at No. 11. There is language that  
10 I added to this, but there may be some discussion that  
11 counsel wants to call to our attention.

12 Is there a motion for No. 11?

13 MEMBER GENTLES: Mr. Chair.

14 CHMN. KATZ: Yes.

15 MEMBER GENTLES: This is Member Gentles. I do  
16 have some discussion on this point. Should I give that  
17 information now or wait for discussion?

18 CHMN. KATZ: What I'd like to do is have  
19 somebody -- if there's somebody comfortable to move and  
20 second it, then we'll have discussion from any of the  
21 Committee Members as well as counsel.

22 MEMBER HAMWAY: I move Condition 11.

23 MEMBER PALMER: Second.

24 CHMN. KATZ: Now we have some discussion.

25 Member Gentles, if you would like to comment,

1 feel free to do so.

2 MEMBER GENTLES: Mr. Chairman, in this section,  
3 this is the section that discusses the communication of  
4 the project to the public and it discusses posting the  
5 sign, which I call Milepost 293, to inform the public of  
6 the outcome of the decision.

7 It seems to me that we could -- and I don't  
8 know if statutorily we can. Maybe this is for another  
9 time. Perhaps we can add a very brief sentence to this  
10 section which says, basically, because the applicant has  
11 used more robust communication, outreach communication,  
12 via social media during the process, it seems to me that  
13 after the process that similar communication can be used.

14 So my problem is that perhaps we can add a  
15 sentence that says this: Applicant shall make every  
16 reasonable effort to communicate decision to approve the  
17 Certificate via digital media communications.

18 CHMN. KATZ: Okay. Do you want to move to  
19 amend this to add that sentence?

20 MEMBER GENTLES: I would, Mr. Chairman. So  
21 would you like me to restate my --

22 CHMN. KATZ: Momentarily. I also know that APS  
23 has some concern.

24 So do we want to take it one step at a time?

25 MR. DERSTINE: Could I hear Member Gentles'

1 proposed sentence one more time.

2 MEMBER GENTLES: Sure.

3 And again, this is in light of the extensive  
4 effort that the applicant has used to communicate what  
5 the project is and to do the outreach. And it seems to  
6 me to close in the bookend, it might make sense to add  
7 this sentence: Applicant shall make every reasonable  
8 effort to communicate the decision to approve the  
9 Certificate via digital media communications.

10 That way, not only is the white sign at  
11 Milepost 293 informing the community, but also, there is  
12 a bookend that -- and when I said "every reasonable  
13 effort," and I used "digital media," I used that so that  
14 the applicant has enough leeway in here to decide what's  
15 the best way to communicate that final decision.

16 CHMN. KATZ: And what I think we'll do is hold  
17 off on that modification until I hear from Mr. Derstine,  
18 because you had some concerns as well. And then we'll  
19 all address what they are by one or more motions.

20 MR. DERSTINE: I guess I'll speak first to the  
21 inserted language or the new proposed language in  
22 Condition 11.

23 Well, one, I always have concerns about just  
24 tacking more language onto these conditions. They've  
25 expanded extensively over time, some for good reason, and

1 some, to my extent, seem to be belt and suspenders as  
2 well as strings and ropes that all do the same thing.

3 But this additional language, I guess I'm  
4 not -- one, I'm not sure that the original language in 11  
5 was inadequate to do what it was intended to do, that is,  
6 to put notice -- future landowners on notice of the  
7 proposed project once the CEC has been approved by the  
8 Commission so that if someone's out inspecting property  
9 or you're going to enter into an agricultural lease,  
10 you're aware that there is a project that has been  
11 approved for this particular property or this corridor.  
12 And there are signs along the way that give you notice of  
13 that, and then you can dig into it, because sometimes,  
14 through a title search or other method, you may not see  
15 that there's a new transmission line that's going to be  
16 constructed along a certain alignment. So I think 11 is  
17 directed to that kind of an issue, and I think it has  
18 served us well over the years.

19 This additional language, especially this idea  
20 of intervals of no less -- or no more than one-half mile  
21 apart -- for example, in this project, you know,  
22 intervals along I-10 would have to be spanned out to at  
23 least a mile because they can only be placed at the  
24 intersections along I-10.

25 Now, on Van Buren, we might be able to do

1 half-mile intervals of signs along Van Buren. But I  
2 think it depends on where the corridor and where the  
3 project is going to be located in terms of what is a  
4 reasonable interval for any particular project.

5 So I would urge against using the no less -- no  
6 more than one-half mile apart language, certainly.

7 And I'm not sure if this second sentence is  
8 intended to modify the first second. So the first  
9 sentence says: Within 120 days of the Commission's  
10 approval of the Certificate, APS post signs in or near  
11 public rights-of-way, to the extent authorized by law,  
12 along the route of the Project giving notice of the  
13 Project.

14 That's fine. That's what we've done in the  
15 past.

16 And the subparagraphs (a), (b), and (c) give  
17 more detail of what the signage should look.

18 This next sentence: APS shall place signs in  
19 prominent locations --

20 I'm not sure that -- so I assume that modifies  
21 the prior sentence.

22 -- at reasonable intervals of no more than  
23 one-half mile apart, subject to obtaining permission from  
24 the landowner so that the public is notified along the  
25 full length of the Project until the transmission

1 structures are completed.

2           So that puts a timeline, I guess this next  
3 sentence, on how long the signs are to remain in place.  
4 But, again, it seems to modify the first sentence and  
5 place more obligations in terms of the sequence and the  
6 number of signs. And I guess I'm just not sure that that  
7 sort of language is needed.

8           I don't know what the practice has been, but  
9 the roadside sign, the intervals seem to be usually to  
10 place them at the intervals based on the span and the  
11 location of the project.

12           Using the modifier "at reasonable intervals" I  
13 think is appropriate. We should be reasonable. They  
14 shouldn't be every 2 miles. It should be something  
15 reasonable. But saying it can't be more than one-half  
16 mile apart just won't work for some projects.

17           CHMN. KATZ: And what about Mr. Gentles'  
18 suggested addition?

19           MR. DERSTINE: I'm fine with Member Gentles'  
20 language because that's different than these two  
21 additional sentences on the physical signs.

22           And the next sentence here seems to again  
23 modify the prior two sentences, or it's another type  
24 of -- yeah, I'm not sure, because it's 45 days. So it's  
25 maybe, then, the last sentence here in red is to -- in

1 those particular instances in which we have to secure an  
2 easement or a right-of-way, then, again, the signs can't  
3 be any more than a half-mile apart, placing physical  
4 signs for the same purpose.

5           So maybe that next sentence is intended to  
6 be -- direct us for timing within which we obtain an  
7 easement or right-of-way.

8           If we haven't prior obtained the permission  
9 from the landowner, then once we obtain these, maybe we  
10 have 45 days to do it. That's probably appropriate.  
11 That would be our practice anyway. As soon as we are  
12 able to obtain landowner permission, whether it's through  
13 an easement or right-of-way, we would then timely place a  
14 sign where we could.

15           So those two, those are my comments on the two  
16 inserted red language.

17           As to Member Gentles' suggestion, I think  
18 that's appropriate to use. Not only signs. It goes back  
19 to the first sentence where within 120 days of the  
20 Commission's decision, post signs in or near public  
21 rights-of-way to the extent authorized by law along the  
22 route of the project, giving notice of the project.

23           And then I would tack on this sentence: An  
24 applicant shall use reasonable efforts to -- shall use  
25 reasonable efforts to apprise the public of the --

1 MEMBER GENTLES: Communicate the decision?

2 MR. DERSTINE: Or communicate the decision  
3 using social media or digital media.

4 MEMBER GENTLES: Yes. I used "digital media"  
5 so you could have some leeway in what you feel is most  
6 appropriate.

7 MR. DERSTINE: Yeah. I'm fine with that.

8 MEMBER GENTLES: I appreciate that. That  
9 really pulls the circle on the -- on the efforts. APS is  
10 going to reach out to -- I would be perfectly comfortable  
11 with using the language "at reasonable intervals" and  
12 taking out the "no more than one mile apart." That's  
13 just fine to me.

14 But thank you for accepting the recommendation  
15 on the communications after the fact.

16 CHMN. KATZ: And what I'd like to do, so we  
17 keep our things straight, is to find out what the  
18 feelings -- by way of discussion, not by way of  
19 amendment, what the feelings are with respect to the  
20 provisions that were added in red. And that was the  
21 result of some information -- some communications that  
22 Tom Chenal had received, and he and I had discussed it.

23 I don't how critical it is. But I know what  
24 your thoughts are regarding adding the -- I don't think  
25 there's any opposition -- we can find that out -- to the

1 amendment that Member Gentles has requested.

2 MEMBER PALMER: Mr. Chairman.

3 CHMN. KATZ: I want to know what your thoughts  
4 are regarding the next two sentences in red.

5 MEMBER PALMER: The question I have,  
6 Mr. Chairman, if I might.

7 CHMN. KATZ: Yes.

8 MEMBER PALMER: Member Gentles, can you  
9 indicate where you were inserting your language just so I  
10 can kind of see how it flows?

11 MEMBER GENTLES: I'm okay with it being  
12 inserted after the conversation about the signs. So if  
13 you scroll down, after: Such signs shall be inspected at  
14 least once annually. And then make it the final -- yeah,  
15 right there.

16 CHMN. KATZ: Line 22?

17 MEMBER GENTLES: Well, line 23 is where he  
18 started. That's fine.

19 MEMBER PALMER: Thank you.

20 MEMBER GENTLES: And here's what I -- what I  
21 suggested was applicant -- and I don't want this --  
22 because I think this is going to carry forward -- well, I  
23 would like it to carry forward: Applicant shall make  
24 every reasonable effort to communicate decision of the  
25 Certificate approval using digital media channels.

1 CHMN. KATZ: Should we put that in as the last  
2 sentence here, irrespective of where we -- what we do  
3 with the other two?

4 What is the Committee's thoughts, though, with  
5 respect to what's in red?

6 MEMBER HAENICHEN: Do we need it?

7 CHMN. KATZ: It hasn't been in prior  
8 certificates.

9 MEMBER HAMWAY: I guess my question is what  
10 problem are we trying to solve with the language? Do we  
11 have a problem?

12 And I would also say I think this hearing, more  
13 than anything in the past, has solidified in my mind that  
14 digital media, social media, is the future for public  
15 outreach. So signs along the project for myself -- if  
16 I'm interested in a project, I'll go up to the sign to  
17 see what it says. But I don't think they need to be like  
18 Burma signs, you know, identifying the project. I think  
19 that social media and the emails -- and I was so  
20 impressed with all the response that you got back. You  
21 had 12 people show up. You had hundreds respond other  
22 ways.

23 So I think that's the future. And I just don't  
24 think that a bunch of signs around the project and that  
25 specificity -- I can't say that word -- being so specific

1 with telling them when it has to happen, 45 days, nobody  
2 is going to monitor this and make sure they met it, if  
3 it's on day 47 or 48. Nobody -- no one is going to look  
4 at that.

5 CHMN. KATZ: And the other thing we need to  
6 keep in mind is ultimately the decision to authorize this  
7 project -- we're basically in a position of making a  
8 recommendation to the Corporation Commission. It will be  
9 the Commission that ultimately gives the final approval.

10 So is your thought --

11 MEMBER HAMWAY: My thought is we don't need it.

12 CHMN. KATZ: Maybe we can deal with that, to  
13 just eliminate the language that's added in red?

14 MEMBER HAMWAY: Yeah. I think they do that  
15 anyway. So I don't think the new language is necessary,  
16 but that's just my opinion.

17 MEMBER PALMER: I would concur with that,  
18 Mr. Chairman. I think the specificity of --

19 MEMBER HAMWAY: Oh, thank you.

20 MEMBER PALMER: -- no more than one-half mile  
21 is perhaps overkill, depending on where it is. That may  
22 be great in some neighborhoods. But along I-10, it's not  
23 reasonable. We've approved lines that are out absolutely  
24 in the middle of nowhere where that's certainly not  
25 reasonable.

1           So I think "reasonable intervals" probably  
2 works. And I kind of agree with what Member Hamway said.  
3 I'm not sure what the problem is we are solving here. I  
4 think what we have done, we haven't really had any  
5 complaints. And I think Member Gentles' proposal goes a  
6 long way to solving any problems that could happen.

7           CHMN. KATZ: What I may ask you, if you would,  
8 Member Hamway, is to move to strike the additional  
9 language at lines 8 through 14. Not everything there,  
10 but just the additional language that appears in red and  
11 underlined.

12           MEMBER HAMWAY: I move that on Condition 11  
13 that we strike lines in red, starting at line 8 through  
14 14, and leave everything that's in black.

15           CHMN. KATZ: And do we have a second?

16           MEMBER GRINNELL: Point of order, Mr. Chairman.

17           CHMN. KATZ: Yes, sir.

18           MEMBER GRINNELL: We have a motion on the table  
19 with respect to Mr. Gentles' motion. That has to be  
20 addressed first.

21           CHMN. KATZ: You're right. Okay. So what we  
22 will do, we will take -- we have a motion and a second, I  
23 believe, on Mr. Gentles' motion; is that correct?

24           MEMBER HAMWAY: I don't remember.

25           MEMBER GENTLES: We had a motion and a second

1 on item 11, not on my motion.

2 MEMBER HAMWAY: Yes, that's right.

3 MEMBER GENTLES: Not on my motion to amend.

4 CHMN. KATZ: Okay. So do you want to wait and  
5 re-urge that motion as soon as we take care of this?

6 MEMBER HAMWAY: Well, why don't I just remove  
7 my original motion I made. And so we are on the table  
8 with nothing right now.

9 I am removing my original motion for  
10 Condition 11.

11 Now let's start over.

12 CHMN. KATZ: Okay. And are you going to then  
13 move for the striking of that language, or do you want to  
14 take care of Mr. Gentles' request first?

15 I think it's better to get rid of this.

16 MEMBER HAMWAY: I agree.

17 CHMN. KATZ: The motion to approve  
18 Mr. Gentles' amendment has been withdrawn, and it was not  
19 seconded.

20 So you can restate your motion now regarding  
21 lines 8 through 14.

22 MEMBER HAMWAY: Okay.

23 CHMN. KATZ: And once we discuss and vote on  
24 it, we will go ahead and address Mr. Gentles' motion.

25 MEMBER HAMWAY: Okay. Mr. Chairman, I make a

1 motion that on Condition 11, we remove the new language  
2 starting with "APS" and ending with "substation" and just  
3 keeping the original 11 as it was.

4 MEMBER PALMER: I'll second.

5 CHMN. KATZ: Any further discussion?

6 (No response.)

7 CHMN. KATZ: All in favor.

8 (A chorus of "ayes.")

9 CHMN. KATZ: All opposed?

10 (No response.)

11 CHMN. KATZ: Hearing no opposition,  
12 Mr. Gentles, I'll have you restate your motion to add, I  
13 guess it would be at line 23, the language regarding the  
14 giving of digital notification.

15 MEMBER GENTLES: Sure.

16 Mr. Chairman, I move that we add language as  
17 follows: Applicant shall make every reasonable effort to  
18 communicate the decision approving the Certificate using  
19 digital media.

20 CHMN. KATZ: Is there a second?

21 MEMBER HAMWAY: Second.

22 CHMN. KATZ: Any discussion?

23 (No response.)

24 CHMN. KATZ: All in favor.

25 (A chorus of "ayes.")

1 CHMN. KATZ: The amendment passes..

2 And now, did we already -- we have to approve  
3 the whole thing, I believe.

4 MEMBER PALMER: Mr. Chairman, I make a motion  
5 we approve No. 11 as amended.

6 MEMBER HAMWAY: Second.

7 CHMN. KATZ: All in favor.

8 (A chorus of "ayes.")

9 CHMN. KATZ: Anyone opposed?

10 (No response.)

11 CHMN. KATZ: We can then go to Condition  
12 No. 12.

13 And whenever you are done with that, let me  
14 know if we have a motion to approve No. 12.

15 MEMBER LITTLE: I move Condition No. 12.

16 MEMBER HAENICHEN: Second.

17 CHMN. KATZ: Thank you.

18 Any discussion?

19 (No response.)

20 CHMN. KATZ: All in favor.

21 (A chorus of "ayes.")

22 CHMN. KATZ: All opposed?

23 (No response.)

24 CHMN. KATZ: Moving to No. 13.

25 Anytime you're ready --

1 MEMBER HAENICHEN: I move Condition 13.  
2 MEMBER HAMWAY: Second.  
3 CHMN. KATZ: Any discussion?  
4 (No response.)  
5 CHMN. KATZ: All in favor.  
6 (A chorus of "ayes.")  
7 CHMN. KATZ: Anyone opposed?  
8 (No response.)  
9 CHMN. KATZ: No. 14.  
10 MEMBER HAMWAY: I move Condition 14.  
11 CHMN. KATZ: Any second?  
12 MEMBER LITTLE: Second.  
13 CHMN. KATZ: All in favor.  
14 (A chorus of "ayes.")  
15 CHMN. KATZ: Anyone opposed?  
16 (No response.)  
17 CHMN. KATZ: We'll move on to Condition 15.  
18 MEMBER HAMWAY: I move Condition 15.  
19 MEMBER HAENICHEN: I second.  
20 CHMN. KATZ: Any discussion?  
21 (No response.)  
22 CHMN. KATZ: All in favor.  
23 (A chorus of "ayes.")  
24 CHMN. KATZ: Anyone opposed?  
25 (No response.)

1 CHMN. KATZ: No. 16.

2 And, again, I didn't cite the page and line  
3 number, but I think we all know what we're talking about.  
4 But Condition 16 is at page number 7, lines 11 through  
5 15 -- excuse me, line 16 through line 18.

6 MEMBER HAMWAY: Okay. I move Condition 16.

7 CHMN. KATZ: Any second?

8 MEMBER PALMER: Second.

9 CHMN. KATZ: Any discussion?  
10 (No response.)

11 CHMN. KATZ: All in favor.

12 (A chorus of "ayes.")

13 CHMN. KATZ: Anyone opposed?

14 (No response.)

15 CHMN. KATZ: Now we're going to No. 17, which  
16 begins on page 7 at line 19 and goes on to page 8 at line  
17 12.

18 Take your time to read it if you need to.

19 MEMBER HAMWAY: Mr. Chairman, I move  
20 Condition 17.

21 CHMN. KATZ: Any second?

22 MEMBER PALMER: Second.

23 CHMN. KATZ: Any discussion?

24 (No response.)

25 CHMN. KATZ: All in favor.

1 (A chorus of "ayes.")

2 CHMN. KATZ: Anyone opposed?

3 (No response.)

4 CHMN. KATZ: Hearing silence, we'll move on to  
5 Condition No. 18, which is on page 8, lines 13 through  
6 23.

7 MEMBER HAMWAY: Mr. Chairman, I move  
8 Condition 18.

9 CHMN. KATZ: Any second?

10 MEMBER HAENICHEN: Second.

11 CHMN. KATZ: All in favor?

12 MS. BENALLY: Mr. Chairman.

13 CHMN. KATZ: Yes.

14 MS. BENALLY: This is Linda Benally with APS.

15 The company proposes a change for the Committee  
16 to consider on line 22.

17 At the end of that line 22, we're proposing we  
18 strike "ASLD" and replace that with "Cities of Goodyear  
19 and Avondale."

20 CHMN. KATZ: Right, because we're not on a  
21 State Trust land.

22 MS. BENALLY: That's correct, Mr. Chairman.

23 CHMN. KATZ: Do we have a motion to amend this  
24 to reflect that we should be striking the "ASLD," which  
25 is the Arizona State Land Department?

1 MEMBER HAENICHEN: I move that.

2 MEMBER HAMWAY: Yeah, we move it.

3 CHMN. KATZ: Second?

4 MEMBER HAMWAY: Second.

5 CHMN. KATZ: All in favor.

6 (A chorus of "ayes.")

7 CHMN. KATZ: Anyone opposed?

8 (No response.)

9 CHMN. KATZ: Do you have that, Ms. Benally?

10 We'll strike "ASLD."

11 We need to -- did you -- oh, I can't see. It's  
12 already stricken through.

13 MR. DERSTINE: Yes.

14 CHMN. KATZ: All in favor of Condition -- well,  
15 did we already get a motion to -- yeah, we've approved  
16 the motion to amend that, correct?

17 MEMBER HAMWAY: Yes, we have.

18 CHMN. KATZ: Now we need a motion to approve  
19 No. 18 as amended.

20 MEMBER PALMER: Mr. Chairman, I move we approve  
21 Condition 18 as amended.

22 MEMBER HAMWAY: Second.

23 CHMN. KATZ: All in favor.

24 (A chorus of "ayes.")

25 CHMN. KATZ: All opposed?

1 (No response.)

2 CHMN. KATZ: Moving to 19.

3 MS. BENALLY: Mr. Chairman, I realize you  
4 haven't had a motion, but we will be making -- proposing  
5 a similar change, that we add "Cities of Goodyear and  
6 Avondale" to No. 19.

7 MEMBER HAMWAY: Mr. Chairman, I move No. 19 so  
8 we can discuss it and make that change.

9 CHMN. KATZ: Second?

10 MEMBER HAMWAY: Second.

11 CHMN. KATZ: Any discussion?

12 MEMBER GRINNELL: Mr. Chairman, are we going to  
13 include -- oh, okay. And "Cities of" --

14 CHMN. KATZ: Well, we just moved for a  
15 discussion. We will then need a motion to amend.

16 MEMBER GRINNELL: I move to amend No. 19 to  
17 include "Cities of Goodyear and Avondale."

18 CHMN. KATZ: Second?

19 MEMBER HAMWAY: Second.

20 CHMN. KATZ: All in favor of the amendment?

21 (A chorus of "ayes.")

22 CHMN. KATZ: Anybody opposed?

23 (No response.)

24 CHMN. KATZ: And we previously had the motion  
25 and a second to approve No. -- well, do we need to

1 restate it to approve it as amended?

2 MEMBER HAMWAY: I think just vote. I guess --  
3 I don't know where we are. I think we're voting on it.

4 CHMN. KATZ: I think we can go ahead and vote  
5 on No. 18 as amended.

6 All in favor?

7 (A chorus of "ayes.")

8 CHMN. KATZ: Anyone opposed?

9 (No response.)

10 CHMN. KATZ: No. 19.

11 Any motion?

12 MEMBER HAMWAY: Oh, that's the one that she  
13 was -- are we on 19? So that's the one we just updated.

14 MEMBER PALMER: We're on 20.

15 CHMN. KATZ: Okay. Then that amendment -- I  
16 made an error in talking about that amendment. We  
17 amended 18 for eliminating "ASLD," but we have added the  
18 "Cities" to 19, correct?

19 MEMBER HAMWAY: But she also wants to add the  
20 "Cities of Goodyear and Avondale" to both 18 and 19. Is  
21 that correct?

22 MS. BENALLY: That is correct, Member Hamway.

23 CHMN. KATZ: And I believe we have done.

24 MEMBER HAMWAY: Okay. Perfect.

25 CHMN. KATZ: And we will, at the end,

1 obviously, take a vote on the whole package to make sure  
2 we are all on the same page.

3 No. 20.

4 MEMBER PALMER: I move Condition 20.

5 MEMBER HAENICHEN: Second.

6 CHMN. KATZ: Any discussion?

7 (No response.)

8 CHMN. KATZ: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN. KATZ: All opposed?

11 (No response.)

12 CHMN. KATZ: Going on to No. 21.

13 MEMBER GRINNELL: Mr. Chairman, is it the  
14 desire of counsel to include supervisors for Maricopa  
15 County and Goodyear and Avondale?

16 MS. BENALLY: Chairman Katz, Committee Member,  
17 yes, that is correct. We would like to add "Cities of  
18 Goodyear and Avondale" on line 5 after "Supervisors for  
19 Maricopa County."

20 CHMN. KATZ: Do we have an amendment in that  
21 respect?

22 MEMBER GRINNELL: I move that we add "Cities of  
23 Goodyear and Avondale" to 21.

24 CHMN. KATZ: Thank you.

25 And is there a second?

1 MEMBER HAMWAY: Second.

2 CHMN. KATZ: All in favor.

3 (A chorus of "ayes.")

4 CHMN. KATZ: Any opposed?

5 (No response.)

6 MEMBER PALMER: Mr. Chairman, I move Condition  
7 21 as amended.

8 CHMN. KATZ: Second?

9 MEMBER HAMWAY: Second.

10 CHMN. KATZ: All in favor of approving  
11 Condition No. 21 as amended, please say "aye."

12 (A chorus of "ayes.")

13 CHMN. KATZ: Anyone opposed?

14 (No response.)

15 CHMN. KATZ: Moving on to 22.

16 Whenever you're finished reading it, you can --

17 MEMBER HAMWAY: I move Condition 22.

18 CHMN. KATZ: And second?

19 MEMBER GENTLES: Second.

20 CHMN. KATZ: All in favor.

21 (A chorus of "ayes.")

22 CHMN. KATZ: Anybody opposed?

23 (No response.)

24 CHMN. KATZ: And the next, 23, has absolutely  
25 no application to this particular project. So I don't

1 know if we need a motion to just strike it. I guess we  
2 probably should.

3 MEMBER HAMWAY: I move we strike Condition 23  
4 in CHMN-1.

5 CHMN. KATZ: Any second?

6 MEMBER PALMER: Second.

7 CHMN. KATZ: Any discussion?

8 (No response.)

9 CHMN. KATZ: All in favor.

10 (A chorus of "ayes.")

11 CHMN. KATZ: All opposed?

12 (No response.)

13 CHMN. KATZ: Going on to No. 24.

14 We had stricken, in my review with

15 Mr. Chenal -- or Chairman Chenal -- we had stricken lines  
16 23 through 28. But I don't know -- anybody want to move  
17 to strike those sentences?

18 MEMBER HAMWAY: I don't think that's  
19 applicable.

20 CHMN. KATZ: It has no application to this  
21 project.

22 MEMBER HAMWAY: We're not -- there's only one  
23 interconnect agreement, and that's going to be not our  
24 business.

25 CHMN. KATZ: I understand.

1           So do you want to move to just strike that  
2 language?

3           MEMBER HAMWAY: Yes. I move that we strike the  
4 struck language in 24, which is now the new 23.

5           CHMN. KATZ: Second?

6           MEMBER HAMWAY: Starting with "Papago" on line  
7 23, "RE," and then ending with "facilities" on line 27.

8           Well, I guess you're going to get rid of all  
9 that.

10          CHMN. KATZ: Any second?

11          MEMBER HAENICHEN: Second.

12          CHMN. KATZ: All in favor.

13          MEMBER LITTLE: This is Toby Little,  
14 Mr. Chairman.

15          CHMN. KATZ: Yes, ma'am.

16          MEMBER LITTLE: Is there a requirement for any  
17 agreement with the FERC for this transmission line at  
18 all?

19          CHMN. KATZ: We can probably strike the  
20 whole --

21          MEMBER LITTLE: I think we can strike the whole  
22 condition.

23          CHMN. KATZ: Would you withdraw your motion?

24          MEMBER HAMWAY: I withdraw my motion.

25          CHMN. KATZ: And you can rephrase it or --

1 MEMBER HAMWAY: Yes.

2 CHMN. KATZ: Go ahead.

3 MEMBER HAMWAY: I move that we strike Condition  
4 24 as written in CHMN-1 completely.

5 MEMBER HAENICHEN: Second.

6 CHMN. KATZ: All in favor.

7 (A chorus of "ayes.")

8 CHMN. KATZ: I thank you for catching that,  
9 Member Little.

10 And we now have -- oh, I believe -- what I need  
11 to find out is if anybody wants -- feels that there are  
12 any additional conditions that we might need to add to  
13 this.

14 MEMBER HAENICHEN: Mr. Chairman, I would like  
15 to add a condition regarding the height of structures.

16 And here's some proposed language: APS shall  
17 make every reasonable effort to limit structure heights  
18 to 140 feet except in low-lying areas like the Agua Fria  
19 River bed.

20 And the 140 is negotiable if you want a  
21 different number.

22 CHMN. KATZ: What we'll do is -- is there a  
23 second to that?

24 MEMBER HAMWAY: I'll second.

25 CHMN. KATZ: We can have a discussion. And

1 we'll first open it up to the Committee Members, and then  
2 we can have APS comment.

3           And he's talking about, as I understood it,  
4 reasonable efforts to limit heights to 140 except in the  
5 low-lying areas such as the riverbed. But I don't know  
6 whether or not there's any concern with doing that  
7 because we're talking about reasonable efforts, and we're  
8 not asking for stuff that's impractical or impossible.

9           MEMBER HAMWAY: So, Mr. Haenichen, are we  
10 worried about them putting the tallest structures  
11 possible throughout the entire route? Is that what we  
12 are worried about?

13           MEMBER HAENICHEN: Yeah.

14           CHMN. KATZ: I don't think it would happen, but  
15 I understand the concern. We will take a couple minutes  
16 and see --

17           MEMBER HAENICHEN: Witnesses for the applicant  
18 previously showed pictures of structures, and it clearly  
19 stated that they were up to 195 feet.

20           CHMN. KATZ: And this, again, is open for  
21 discussion. And if counsel has any comments or wants any  
22 of the witnesses for APS to engage in discussion --  
23 because we want to make sure we get this done right.

24           MEMBER GRINNELL: Mr. Chairman, may I request  
25 that we somehow pencil in Member -- excuse me -- that we

1 put in your motion in writing so I can read it? Because  
2 the audio here is a little bit intermittent.

3 MEMBER HAENICHEN: Has the court report written  
4 it down?

5 CHMN. KATZ: I mean, do we want to put that in?  
6 We can put it in. Can always strike it if it doesn't get  
7 passed or if we have to modify it. But it would become,  
8 I believe, No. 23.

9 MEMBER PALMER: Mr. Chairman, would it be all  
10 right to ask the applicant for comment or response on  
11 that number, that height, if it's adequate?

12 MR. DERSTINE: Mr. Chairman and Member  
13 Haenichen, I certainly understand Member Haenichen's  
14 concern and the intent of his language.

15 I think the concern on the part of the company  
16 is that it -- you know, this project, given its  
17 construction along I-10, there may be areas, especially  
18 if we're going over an interchange, where we might have  
19 to use a taller structure in those locations in addition  
20 to the riverbed, the Agua Fria River bed, where we're  
21 likely to need the taller structures.

22 So I guess maybe two changes to Member  
23 Haenichen's proposed condition: If we could increase  
24 the -- make every reasonable effort to limit structure  
25 heights to 150 feet -- make every reasonable effort to

1 limit structure heights to 150 feet --

2 I'm not sure what sort of language to use to  
3 address -- as I mentioned, there's other design  
4 considerations, especially along the freeway, where we  
5 may need a taller structure.

6 Does anyone have any suggested language?

7 Mr. Trenter or Mr. Eich?

8 MEMBER BRANUM: Mr. Chairman, this is Member  
9 Branum. If I may be heard.

10 CHMN. KATZ: Please.

11 MEMBER BRANUM: I have a concern with this  
12 language. I think it's more of a practical concern.

13 And maybe APS, you can weigh in on this, but  
14 creating conditions specifically targeting or related to  
15 the structure height, would it be the company's position  
16 that in the event of going beyond the 150 feet, the  
17 company would file a 40-252 with the Arizona Corporation  
18 Commission to amend the CEC so that you would be allowed  
19 to basically construct structures higher than that, or do  
20 you think this language gives you the ability to go  
21 forward as you see appropriate without further action by  
22 the Commission?

23 MR. DERSTINE: Mr. Chairman, Member Branum, I  
24 think that's certainly a concern.

25 My hope would be that using the language here

1 "reasonable efforts" gives the company the leeway to  
2 design.

3 CHMN. KATZ: I just had one thought, maybe  
4 saying "except in low-lying areas whereas may be required  
5 by generally accepted engineering standards"?

6 MR. DERSTINE: I guess I'm --

7 CHMN. KATZ: We don't want to go --

8 MEMBER HAENICHEN: I think the "reasonable  
9 effort" gives the company the flexibility to go --

10 MR. DERSTINE: The leeway?

11 MEMBER HAENICHEN: That was my intent, anyway.

12 MR. DERSTINE: Yeah. You never know when --  
13 you know, five years from now or when someone points to  
14 the fact that we've got a 190-foot tall structure at some  
15 location, and then they point out this Condition 23 and  
16 say that the company violated it and we should have gone  
17 in and asked for the Commission's blessing.

18 That's the concern. It's more the lookback.  
19 And I'm always concerned about kind of pre-engineering  
20 and designing a project in advance.

21 I think, as the witnesses have testified to,  
22 there's unknowns in terms of until we get down through  
23 the process of designing it, especially along the  
24 freeway, I-10, what those span lengths are, how tall the  
25 structures need to be to get along the freeway and across

1 the intersections. It may be that we need the taller  
2 structures in order to get over the freeway at the I-10  
3 crossing utilizing the preferred route. So those are my  
4 general concerns.

5 If we can use "reasonable efforts to limit  
6 structures to heights of 150 feet, provided, however,  
7 that APS" -- or that -- maybe using -- following the  
8 language that we have in the application, that "at  
9 certain locations along the route, structures may be in  
10 heights not to exceed 190 feet tall" or something like  
11 that.

12 MEMBER HAENICHEN: I'm okay with that.

13 CHMN. KATZ: Then do you want to withdraw and  
14 rephrase your motion?

15 MEMBER BRANUM: Mr. Chairman, if I may be  
16 heard.

17 CHMN. KATZ: Yes, please.

18 MEMBER BRANUM: Thank you.

19 One other consideration or something I'm  
20 contemplating here is that if this language or language  
21 that's similar is adopted, my concern would be that the  
22 applicant files a request with the Commission to change  
23 the structure height, which then ultimately the  
24 Commission kicks back to us, the Committee, to host  
25 another, you know, series of hearings regarding just the

1 height of the structure.

2 I think I'd like to avoid that, given the  
3 record and range of the structure height that's been  
4 presented. But that's -- I'm trying to think forward --  
5 take a forward-looking approach to what the potential  
6 impact of this language could be.

7 Under that hypothetical, I could see a  
8 situation where the Committee is put in a situation where  
9 additional evidentiary hearings are held on this  
10 structure height issue alone, and I'm not sure that  
11 that's appropriate.

12 Thank you.

13 CHMN. KATZ: Any further comment or discussion?

14 MEMBER LITTLE: Mr. Chairman.

15 CHMN. KATZ: Yes, Ms. Little.

16 MEMBER LITTLE: I also have a little bit of a  
17 concern about perhaps if we put into this here that  
18 structure heights that perhaps in future -- in the  
19 future, structure heights will start to be specified in  
20 every one. And I have some of the same concerns that  
21 Member Branum has expressed as far as the practicalities  
22 of how things might progress if we have structure height  
23 specifications in here.

24 Might I suggest that we just leave it at "APS  
25 shall make reasonable efforts to limit structure heights

1 to 150 feet," period, or "wherever possible" or something  
2 like that.

3 MEMBER HAENICHEN: That's what I basically  
4 said.

5 CHMN. KATZ: Any further --

6 MEMBER LITTLE: I guess I'm suggesting that we  
7 eliminate the language "except in low-lying areas, such  
8 as Agua Fria River bed."

9 CHMN. KATZ: We can ask that it be amended, but  
10 let me just hear from counsel in terms of what your  
11 thoughts are.

12 MEMBER GRINNELL: Mr. Chairman.

13 CHMN. KATZ: Yes.

14 MEMBER GRINNELL: I don't want to -- we have  
15 certain responsibilities as Committee Members, but  
16 micromanaging certain things is -- I don't know if that's  
17 within our purview. And I would just ask Member  
18 Haenichen that maybe we just not go there with this  
19 amendment and just move forward and just not add it at  
20 all.

21 MEMBER HAENICHEN: Well, let's see what the  
22 Committee Members think.

23 CHMN. KATZ: What we can do is -- do you  
24 want -- let me just ask you if you want your amendment to  
25 be as written right now, that limits it except in

1 low-lying areas such as the Agua Fria River bed, or do  
2 you want to strike that language?

3 MEMBER HAENICHEN: Yeah, I can strike that.

4 CHMN. KATZ: Okay. So you withdraw your motion  
5 to amend and rephrase it to read that "APS shall make  
6 reasonable efforts to limit structure heights to 150  
7 feet"?

8 MEMBER HAENICHEN: Here's the new language,  
9 then: APS shall make every reasonable effort to limit  
10 structure heights to 140 feet --

11 CHMN. KATZ: 150 feet.

12 MEMBER HAENICHEN: Or 150 feet, excuse me.

13 CHMN. KATZ: Is there a second?

14 MEMBER HAMWAY: I'll second.

15 CHMN. KATZ: Any further discussion?

16 MEMBER HAMWAY: I'm not a big fan of  
17 micromanaging. And I think that APS and our other  
18 utilities, they do a great job of trying to fit poles and  
19 structures into the landscape as best as possible. And  
20 so I'm just not a fan of micromanaging to that level. So  
21 I would not vote for that condition.

22 CHMN. KATZ: And that's fine. We're all free  
23 to say "yea" or "nay."

24 But all those in favor of the amendment, please  
25 say "aye."

1 MEMBER HAENICHEN: Aye.

2 I'm the only one.

3 MEMBER GENTLES: Aye.

4 CHMN. KATZ: And that was -- who just said  
5 "aye," on the second? Was that --

6 MEMBER GENTLES: Member Gentles.

7 CHMN. KATZ: So we have two in favor.

8 All those opposed to adding this amendment say  
9 "aye."

10 (A chorus of "ayes.")

11 MEMBER LITTLE: Nay.

12 MEMBER GRINNELL: Nay.

13 CHMN. KATZ: Do you think we ought to get  
14 people to do it by name? I think we are okay. It  
15 doesn't pass. It won't be added.

16 I trust that APS will use all efforts to keep  
17 the poles as reasonably practicable under all appropriate  
18 engineering standards.

19 That all being said, let's move on to our six  
20 Findings of Fact and Conclusions of Law.

21 And we begin with page 10, line numbers 2 and  
22 3, which are the introduction, as well as the first  
23 Finding No. 1 that goes through line 6.

24 So we'd be moving to approve lines 1 through 6  
25 on page 10.

1 MEMBER HAMWAY: So moved, Conclusion of Law  
2 No. 1.

3 MEMBER HAENICHEN: Second.

4 CHMN. KATZ: All in favor.

5 (A chorus of "ayes.")

6 CHMN. KATZ: Anyone opposed?

7 (No response.)

8 CHMN. KATZ: No. 2, which is at lines 7 and 8  
9 on page 10.

10 Any motion?

11 MEMBER HAENICHEN: I move 2.

12 MEMBER PALMER: Second.

13 CHMN. KATZ: All in favor.

14 (A chorus of "ayes.")

15 CHMN. KATZ: All opposed?

16 (No response.)

17 CHMN. KATZ: Moving to Condition No. -- or  
18 Finding of Fact and Conclusion of Law No. 3, lines 9 and  
19 10.

20 MEMBER GRINNELL: So moved. I move No. 3.

21 CHMN. KATZ: Second?

22 MEMBER HAMWAY: Second.

23 CHMN. KATZ: All in favor.

24 (A chorus of "ayes.")

25 CHMN. KATZ: Thank you.

1 No. 4.

2 MEMBER BRANUM: Mr. Chairman.

3 CHMN. KATZ: Yes.

4 MEMBER BRANUM: I have a question really for I  
5 think the Committee and the applicant.

6 In Finding of Fact No. 1, the use of  
7 "renewable." My question is, is the use of "renewable"  
8 appropriate, or should it just read "reliable supply of  
9 electric power"?

10 MEMBER HAMWAY: Well, I would say that the  
11 testimony from the guy from Compass basically said that  
12 his clients wanted renewable energy, that was something  
13 that was important to them.

14 Am I remembering that correctly?

15 MR. DERSTINE: Mr. Chairman, Member Hamway, you  
16 are. In terms of that, oftentimes our datacenter  
17 customers have a preference for and sometimes may require  
18 or enter into tariffs that are -- supply tariffs that  
19 provide for renewable energy. They use that as a selling  
20 point and part of their company policy.

21 But I think Member Branum's point is correct  
22 that this project, in and of itself, that is, the serving  
23 of the Compass Datacenter, does not necessarily aid the  
24 State in meeting the need for renewable electric power.  
25 So I think it would be appropriate to strike the word

1 "renewable" from line 5 in Finding of Fact 1.

2 CHMN. KATZ: Do we have a motion to -- we  
3 approved it, but do we have a motion to strike the word  
4 "reliable" -- "renewable"?

5 Motion?

6 MEMBER LITTLE: I so move.

7 MEMBER HAMWAY: Second.

8 CHMN. KATZ: It's been seconded.

9 All in favor.

10 (A chorus of "ayes.")

11 CHMN. KATZ: We'll strike the word, then,  
12 "renewable electric power," and just "supply of electric  
13 power" is how it will read.

14 And now we're at No. 4, I believe.

15 MEMBER PALMER: Motion to approve Finding of  
16 Fact and Condition of Law No. 4.

17 CHMN. KATZ: Second?

18 MEMBER HAMWAY: Second.

19 CHMN. KATZ: All in favor.

20 (A chorus of "ayes.")

21 CHMN. KATZ: Opposed?

22 (No response.)

23 CHMN. KATZ: Moving to Condition No. 5 at lines  
24 14 through 17.

25 MEMBER HAMWAY: So moved.

1 CHMN. KATZ: Second?

2 MEMBER PALMER: Second.

3 CHMN. KATZ: All in favor.

4 (A chorus of "ayes.")

5 CHMN. KATZ: Opposed?

6 (No response.)

7 CHMN. KATZ: No. 6.

8 MEMBER HAMWAY: So moved.

9 CHMN. KATZ: Second?

10 MEMBER PALMER: Second.

11 CHMN. KATZ: All in favor.

12 (A chorus of "ayes.")

13 CHMN. KATZ: And we're going to take a vote to  
14 approve -- a roll call vote to approve the Certificate of  
15 Environmental Compliance.

16 But before we do that, do any of the Committee  
17 Members have any additional concerns that they feel have  
18 not been properly addressed in this proposed Certificate  
19 of Environmental Compliance?

20 Any further discussion or concerns?

21 (No response.)

22 CHMN. KATZ: Hearing silence --

23 MEMBER PALMER: Mr. Chairman.

24 CHMN. KATZ: Yes.

25 MEMBER PALMER: I might just add one -- one

1 thought.

2 Perhaps a motion to authorize the Chairman to  
3 make minor editorial changes, scrivener's errors, to  
4 clean this up once it's been voted on.

5 MEMBER HAENICHEN: I second that.

6 CHMN. KATZ: All in favor.

7 (A chorus of "ayes.")

8 CHMN. KATZ: Any opposed?

9 (No response.)

10 CHMN. KATZ: And I promise I won't make any  
11 substantive changes. Okay?

12 Now I guess we're ready for a motion to approve  
13 the Certificate of Environmental Compatibility.

14 And I know that's generally done by roll call.

15 But do I want to just call everyone by name?

16 How have we historically done that?

17 MEMBER HAMWAY: I think we just start --

18 CHMN. KATZ: Well, we need a motion to approve  
19 the Certificate of Environmental Compatibility in Case  
20 No. 193, the Three Rivers matter.

21 MEMBER HAMWAY: Patty was our parliamentarian.

22 We are kind of lost without her.

23 So I will make a -- move that we accept or vote  
24 on the Certificate of Environmental Compatibility.

25 MEMBER HAENICHEN: Second.

1 CHMN. KATZ: It's been seconded.

2 And what we can do is maybe start at my right  
3 and have you each identify who you are by name and what  
4 your vote is, in favor or opposed.

5 MEMBER HAMWAY: Mary Hamway. I vote aye.

6 And I just wanted to compliment APS on your  
7 virtual -- I was kind of like that lady. This is legit.  
8 I thought it was really a cool way to do it, and I think  
9 that's the future. So kudos on that and congratulations.

10 MEMBER HAENICHEN: Jack Haenichen representing  
11 the public. I vote aye.

12 MEMBER PALMER: Jim Palmer representing  
13 agriculture. I vote aye and offer my appreciation to  
14 counsel and the applicant and all involved. Good case.

15 CHMN. KATZ: And then, so we can progress, I'll  
16 just call on Member Grinnell to voice his vote because I  
17 don't -- your order keeps changing every time the videos  
18 come back up.

19 So, Mr. Grinnell, how do you vote?

20 MEMBER GRINNELL: I would vote aye.

21 And, Mr. Chairman, thank you for the expedited  
22 process and keeping things moving forward.

23 And after the vote, I would like to just go  
24 back to No. 11, not to amend anything, so -- but just a  
25 point of information.

1 CHMN. KATZ: We'll let you comment as soon as  
2 we have finished the vote.

3 MEMBER GRINNELL: Thank you.

4 MEMBER DRAGO: Len Drago representing the  
5 Arizona Department of Environmental Quality, and I vote  
6 aye.

7 CHMN. KATZ: Member Gentles.

8 MEMBER GENTLES: Member Gentles representing  
9 the public, and I vote aye.

10 And I want to thank the applicant for their  
11 continued robust public outreach communication efforts.  
12 So thank you. So noted.

13 CHMN. KATZ: Member Branum.

14 MEMBER BRANUM: Thank you, Mr. Chairman.  
15 Zachary Branum representing the Arizona Corporation  
16 Commission. I vote aye.

17 I would like to thank the Chairman and the  
18 applicant. I think this is probably my seventh or eighth  
19 case now. And this one has moved extremely fast, and I  
20 was quite surprised by that. But I think the applicant  
21 did a great job staying on track and you, as well, Chair.  
22 I appreciate it.

23 Again, on this side, there were no technical  
24 issues for me joining virtually. As the applicant is  
25 aware, they have a pending rate case before the

1 Commission, and my participation virtually has helped me  
2 better assist Staff members here before and during  
3 breaks, so I really appreciate that. Thank you very  
4 much.

5 CHMN. KATZ: Thank you as well.

6 And last, but not least, Member Little.

7 MEMBER LITTLE: Toby Little representing the  
8 public, and I vote aye.

9 And this being my first hearing as a member of  
10 the Line Siting Committee, I have been very impressed  
11 with both the applicant and the process, and I'm very  
12 grateful to have been here. Thank you.

13 CHMN. KATZ: And from my perspective, I am  
14 grateful for APS for putting together a cogent  
15 presentation that got us out of here pretty quickly. I  
16 didn't trip and fall too many times in my first hearing  
17 as your Chairman, and I always look forward to your  
18 comments and assistance because, as old as I am, I learn  
19 new things every single day.

20 MEMBER PALMER: Mr. Chairman, I think Member  
21 Riggins is on as well.

22 CHMN. KATZ: I apologize. Go ahead, Member  
23 Riggins.

24 MEMBER RIGGINS: Thank you, Mr. Chairman. I  
25 didn't want to interrupt.

1 CHMN. KATZ: I'm sorry that I skipped you.  
2 It's hard to keep track of everyone. But go ahead.

3 MEMBER RIGGINS: No worries. Thank you,  
4 Mr. Chairman.

5 John Riggins representing the Arizona  
6 Department of Water Resources, and I vote aye.

7 And thank you to the applicants. I apologize  
8 for not being able to be there in person. We've got a  
9 whole lot going on right now with water, so I'm very  
10 thankful to be able to participate virtually.

11 CHMN. KATZ: Thank you all very much.

12 And, again, I look forward to future hearings.  
13 They're not going to all be as quick or as easy as this  
14 one. I'm not necessarily looking forward to my trip down  
15 to Tucson, but we'll take that when it comes.

16 The other thing that -- and in discussion with  
17 some of the other Members who are here, the one thing I  
18 want to encourage you is that whenever possible to attend  
19 in person. I do understand because of COVID, because of  
20 work or community obligations, you can't do that at every  
21 meeting. But the preference should be appearing in  
22 person rather than virtually whenever possible because I  
23 don't want to be here in six months being the only one in  
24 the room trying to figure out who is who and where you  
25 all are.

1           So I'm not entering any type of order. I'm  
2 just asking, and some of the Members of the Committee  
3 that are here also feel that way. I know sometimes it's  
4 a hardship trip to travel or you have other obligations.  
5 So you won't be punished for appearing virtually, but I  
6 would encourage attendance in person whenever possible.

7           Are there any further matters that we need to  
8 take care of before we head to our respective  
9 destinations?

10           MEMBER PALMER: Mr. Chairman, one point. I  
11 don't know if you want to record your vote.

12           CHMN. KATZ: I would also vote aye. I approve  
13 the CEC.

14           MEMBER GRINNELL: Mr. Chairman.

15           CHMN. KATZ: Yes, sir.

16           MEMBER GRINNELL: Since we're done voting, item  
17 No. 11 on Member Gentles' amendment, is this something we  
18 would like to maybe consider having included in the  
19 future without having to add this all the time?

20           Maybe you can just sort of make it part of item  
21 No. 11.

22           CHMN. KATZ: The digital media?

23           MEMBER GRINNELL: Yes, sir.

24           CHMN. KATZ: We can make that as a standard  
25 condition.

1 MEMBER GENTLES: Thank you, Member Grinnell.

2 That was my intent.

3 I appreciate that, Mr. Chairman. Thank you.

4 CHMN. KATZ: Well, all of you stay well or get  
5 yourself vaccinated or get the third one if you can.

6 Stay healthy and happy.

7 And I'll see this Committee or most of you in I  
8 think two weeks for our hearing in Casa Grande or, as we  
9 say in English, Casa Grande.

10 All of you take care of yourself. We do stand  
11 in recess.

12 (The hearing concluded at 2:17 p.m.)

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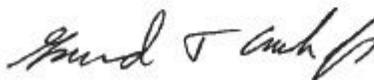
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13 obligations set forth in ACJA 7-206(F)(3) and ACJA  
14 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,  
15 this 7th day of October, 2021.

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19 CAROLYN T. SULLIVAN, RPR  
20 Arizona Certified Reporter  
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