

1 BEFORE THE ARIZONA POWER PLANT

2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE APPLICATION) DOCKET NO.

4 OF ARIZONA PUBLIC SERVICE) L-00000D-21-0292-00193

5 COMPANY, IN CONFORMANCE WITH THE)

6 REQUIREMENTS OF ARIZONA REVISED)

7 STATUTES 40-360, ET SEQ., FOR A) LS CASE NO. 193

8 CERTIFICATE OF ENVIRONMENTAL)

9 COMPATIBILITY FOR THE THREE)

10 RIVERS 230 KILOVOLT TRANSMISSION)

11 LINE PROJECT, WHICH AUTHORIZES)

12 THE CONSTRUCTION OF TWO NEW)

13 SINGLE CIRCUIT 230 KV)

14 TRANSMISSION LINES WITH THE)

15 INTERCONNECTIONS ORIGINATING AT)

16 THE EXISTING APS RUDD-WHITE)

17 TANKS 230 KV TRANSMISSION LINE)

18 AND THE LINES PROCEEDING WEST)

19 AND CONTINUING SOUTH TERMINATING)

20 AT THE TS16 SUBSTATION, SOUTH)

21 HALF OF THE NE QUARTER OF)

22 SECTION 8 OF TOWNSHIP 1 NORTH,)

23 RANGE 1 WEST AND NORTH HALF OF)

24 THE SE QUARTER OF SECTION 8,) PREFILING CONFERENCE

25 LOCATED IN GOODYEAR, MARICOPA)

) _____)

16

17 At: Phoenix, Arizona

18 Date: August 16, 2021

19 Filed: September 2, 2021

20 REPORTER'S TRANSCRIPT OF PROCEEDINGS

21

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard via
3 videoconference before the Arizona Power Plant and
4 Transmission Line Siting Committee, 1200 West Washington
5 Street, Phoenix, Arizona, commencing at 2:04 p.m. on the
6 16th day of August, 2021.

7
8 BEFORE: THOMAS K. CHENAL, Chairman

9 APPEARANCES:
10 For the Applicant:

11 PINNACLE WEST CAPITAL CORPORATION
12 Ms. Linda J. Benally
13 Senior Attorney
14 400 North 5th Street, MS 8695
15 Phoenix, Arizona 85004

16 and

17 SNELL & WILMER, L.L.P.
18 Mr. J. Matthew Derstine
19 400 East Van Buren Street
20 Suite 1900
21 Phoenix, Arizona 85004

22 ALSO PRESENT:

23 Mr. Jason Spitzkoff, Manager
24 Engineering Transmission & Distribution, APS
25 Mr. Stephen Eich, Transmission & Facility
Siting Consultant, APS
Mr. Paul Trenter, Environmental Planning Group
Ms. Teresa O'Neil, Environmental Planning Group
Ms. Anna Chaulk, Federal/State Senior
Regulatory Analyst, APS
Ms. Aileen De Los Angeles, Paralegal, APS
Ms. Ranie Rozenberg, Paralegal, Snell & Wilmer
Mr. Tod Brewer, Assistant to Chairman Chenal
Mr. Paul A. Katz, Assistant Attorney General

1 (Exhibits 1 through 3 were marked prior to the
2 prefiling conference.)

3 CHMN. CHENAL: This is the time set for the
4 prefiling conference for the APS Three Rivers 230kV
5 transmission line project.

6 May we have appearances, please.

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

10 MS. BENALLY: Linda Benally appearing on behalf
11 of APS.

12 CHMN. CHENAL: All right. Thank you.

13 So let's hear a little about the project. I
14 know we've met before on this and I know something about
15 it, but let's just put it in the record and discuss the
16 project. And I think there's been three prefiling
17 conference exhibits.

18 So, Mr. Derstine or Ms. Benally, who wants to
19 go?

20 MR. DERSTINE: I'll actually turn it over to
21 either Mr. Spitzkoff or Mr. Eich to kind of give you the
22 overview. I think we also have a project area map that
23 may help in terms of providing that project overview that
24 we can use for that.

25 MR. SPITZKOFF: Good afternoon.

1 So if I can get confirmation that my screen is
2 visible to everybody.

3 CHMN. CHENAL: Yes.

4 MR. SPITZKOFF: Thank you.

5 Mr. Chairman, this is our study area. And I'll
6 provide some orientation to where we are located.

7 You can see Interstate 10 running east and west
8 through the middle of the screen.

9 You're familiar with the Phoenix Goodyear
10 Airport right here, so that should help you locate where
11 we are in the world.

12 This is Litchfield Road.

13 So most of this down here is Goodyear and then
14 a little bit of City of Avondale as you get over towards
15 the east.

16 What this project is, as you stated, a new set
17 of 230kV lines primarily to connect a new large customer.
18 It's another datacenter. As the Committee has become
19 familiar with this area in particular, the Microsoft
20 datacenter, the Wildcat project we sited in 2019, I think
21 it was, is down in the south here in the gray. So now
22 we're on the north side of the airport here.

23 This will be a collocation datacenter, meaning
24 it's not a single enterprise like a Microsoft or Facebook
25 or Google, but they rent out buildings to different

1 enterprises for their datacenter needs. Looking at a
2 total load of 350 megawatts is the projection.

3 So the project to connect this customer will
4 come off of an existing 230kV line, and our 230 lines are
5 shown in blue here. This is our White Tanks Substation.
6 We have 230 lines that go up to the north and then 230
7 lines that come down here to the south to the Rudd
8 Substation and continue on.

9 What this project is going to do is cut into
10 that line. So if you just look at it as starting from
11 the White Tanks, you come along the existing line, you
12 would come along one of these northern routes down into
13 the new Three Rivers Substation and then back out along
14 one of the southern routes and then picking up the
15 existing line as it goes down to Rudd. So, really,
16 cutting this existing line, kind of throwing an extension
17 cord over to this area to create a new loop through here.

18 We've got three route alternatives that are
19 shown here, a dark red, a light blue, and an orange.
20 Those are the alternatives.

21 So we would have one of those alternatives
22 coming on the northern route along -- basically, along
23 I-10 down Bullard Avenue into the substation and then one
24 of the three alternatives or, really, the southern
25 routes, it's kind of one route along Van Buren that exits

1 the sub back to the line here.

2 So, high level, that is the nuts and bolts of
3 the project. And the black dashed line around here is
4 the study area that was used for this project.

5 CHMN. CHENAL: Thanks, Mr. Spitzkoff. A couple
6 questions.

7 When I'm looking at the existing 230kV lines,
8 do I see -- and, let's see, what's the name of that
9 street?

10 MR. SPITZKOFF: It's 5th Street.

11 CHMN. CHENAL: That's one. But to the right of
12 that, it looks like there's another blue line that goes
13 north-south. Is that also an existing line?

14 MR. SPITZKOFF: Correct. Those are also
15 existing lines. These are lines from other utilities.
16 There's -- from WAPA, they have Liberty-WestWing line and
17 then SRP has a Rudd to White Tanks line also. So those
18 are existing lines over here.

19 I'm not sure these are on a street, but the one
20 over here is following the river. So you can see the
21 river. Sort of this dirt area is the river, and you get
22 a little vegetation in here. So this whole area over
23 here is part of the river.

24 CHMN. CHENAL: Okay. And then does the APS
25 line that comes from the north down, does it tie into the

1 White Tanks Substation and then come out again over to
2 where you just showed through the river, or are they
3 separate?

4 MR. SPITZKOFF: Yes, sir. No. They tie into
5 the White Tanks Substation, go back up to a number of
6 substations, and end up at the WestWing Substation up in
7 the northwest corner of the Valley.

8 CHMN. CHENAL: So the routes that are proposed
9 and the alternatives, the power is actually coming from
10 White Tanks Substation, or at least it ties into the
11 White Tanks Substation, and then proceeds west and then
12 south; is that correct?

13 MR. SPITZKOFF: Yes. It will come from White
14 Tanks, and Rudd is the other end of the line. Rudd is a
15 500kV-230kV substation, so this is a big source point for
16 the Valley also.

17 CHMN. CHENAL: Right.

18 And then the alternatives -- it's a small map.
19 I mean, they all look pretty much the same. Can you just
20 give a high-level explanation of the differences of the
21 routes?

22 MR. SPITZKOFF: Certainly. I'll start it, and
23 then probably Mr. Eich or Mr. Trenter will jump in.

24 What we're looking at is -- so the red
25 alternative is pretty much on the south side of

1 Interstate 10 and then hits Bullard Avenue and comes
2 down.

3 The other two alternatives will start off on
4 the north side of I-10, and the difference is they cross
5 at different points. So the blue will cross along
6 Central Avenue, and then the orange will cross at a
7 crossing point in between Bullard and Litchfield. There
8 was definitely a reason why it crossed there. I just
9 can't recall at this moment.

10 But those are really the differences on the
11 routes. They'll all come down Bullard Avenue, and then
12 they'll all follow the same route back along Van Buren,
13 where we have an existing 69kV line that we'll rebuild
14 and put in an underbuild position.

15 CHMN. CHENAL: Okay. So the preferred route is
16 in orange, and it would cross over west of Central
17 where -- I forget where you said that was.

18 MR. SPITZKOFF: West of Litchfield.

19 CHMN. CHENAL: West of Litchfield. Okay.

20 And how long in length are the lines?

21 MR. SPITZKOFF: I think total, they're about 7
22 miles, I want to say, from beginning all the way to end.
23 But I think Mr. Eich knows that info more certainly than
24 I do.

25 CHMN. CHENAL: Sure.

1 MR. EICH: Am I coming through, first of all?

2 CHMN. CHENAL: Yes, we can hear you.

3 MR. EICH: Okay. So the overall loop is about
4 7 1/2 miles. The north portion that Jason described is
5 about 4 miles. Each of those alternatives are about the
6 same. And then that southern route from the substation
7 back to the existing line is about 3 1/2 miles.

8 CHMN. CHENAL: Okay. All right. Let's see.

9 MR. DERSTINE: Stephen or Paul.

10 I mean, the planning for this project,
11 Mr. Chairman, I think early on, we were looking at route
12 alternatives and links that traveled certainly farther to
13 the north of I-10 and south of McDowell. What we ended
14 up, as you can see on the map, are really two basic
15 corridors. And the route alternatives really follow
16 those corridors, and the variations are -- as
17 Mr. Spitzkoff indicated, the preferred route is either on
18 the north side of I-10, then, as they drop to the south,
19 they're either on one side of the road or the other. And
20 so those are the options for the Committee.

21 But the basic corridors, through the planning
22 process and stakeholder outreach, etc., we ended up with
23 these basic corridors with slight variations, again, in
24 terms of the side of the road or where it crosses I-10
25 being the only real variations for the Committee to

1 decide upon.

2 The cases don't always fall this way.
3 Oftentimes, we're able to bring routes to the Committee
4 where we may have a route alternative on McDowell and
5 then along I-10 and then maybe on Van Buren and others.

6 As it turned out through the planning process,
7 these were the best ways to connect the datacenter
8 substation into the line, the power source. And so the
9 alternatives, again, are just bringing slight variations
10 on the basic corridors that connect the project to the
11 existing line.

12 CHMN. CHENAL: Okay. It looks pretty obvious.
13 What are the affected jurisdictions?

14 MR. EICH: Sure.

15 The affected jurisdictions, the main ones would
16 be Arizona Department of Transportation, obviously,
17 around the I-10 area as well as the initial river
18 crossing on the north end.

19 We also have the City of Goodyear, the City of
20 Avondale, the Phoenix Goodyear Airport. That is a big
21 one. And also the Flood Control District of Maricopa
22 County.

23 And although the project area does encompass a
24 little of the County areas, the routes themselves don't
25 have a whole lot of impact to Maricopa County other than

1 the flood control district.

2 Those, I think, are the main players.

3 CHMN. CHENAL: Okay. So at least the Cities of
4 Goodyear and Avondale, the project is located within
5 those two jurisdictions, Mr. Eich; is that correct?

6 MR. EICH: That is correct.

7 CHMN. CHENAL: Okay.

8 MR. EICH: There is also a little bit of
9 Litchfield Park that falls in that study area. That's on
10 the north, but, again, that's just a very slight area.
11 These routes really don't get into that jurisdiction.

12 CHMN. CHENAL: Litchfield Park, that's
13 incorporated? I didn't know if it's a town or if that's
14 just an area that's part of Avondale or some other city.

15 MR. EICH: My understanding is that it is.

16 MR. TRENTER: Yeah, it's a town.

17 CHMN. CHENAL: All right. So we've discussed
18 some dates for this hearing. Let's talk about the Notice
19 of Hearing.

20 And before we do that, I'll just make sure we
21 mark what was just shown as Prefiling Exhibit No. 1.

22 Carolyn, I just want to make sure you have that
23 and you'll mark that as Prefiling Conference Exhibit 1.

24 THE COURT REPORTER: Yes. I do have all three
25 exhibits, and I've already marked Exhibit 1.

1 CHMN. CHENAL: All right. So the Notice of
2 Hearing. Let's talk about dates, locations, and just
3 discuss it generally.

4 We're looking at the hearing starting on
5 October the 4th at 1 p.m. and continuing October 5th
6 through October 8th, as necessary, at 9 a.m. each day.
7 There will be a public comment hearing -- public comment
8 taken the evening of the first day at 5:30 and at other
9 times as necessary.

10 And the hearing will take place at the Hampton
11 Inn & Suites in Goodyear, Arizona. That's all correct?

12 MR. EICH: Yes, Chairman.

13 CHMN. CHENAL: And how long -- let me ask this
14 question: What's the level of -- is there any
15 controversy with this project? Do you expect any
16 intervenors? Where are we in that context?

17 MR. EICH: We're not aware of any intervenors
18 for this case at this stage. A lot of public outreach
19 over the past couple of years has included meetings with
20 cities, agencies, jurisdictions within this project area;
21 public open houses; Exhibit H letters. And at this time,
22 it doesn't appear that there will be any adverse
23 positions or likely intervention.

24 CHMN. CHENAL: Okay. Mr. Derstine,
25 Ms. Benally, how long do you think this hearing will

1 take? I love to ask the question. I will say,
2 Mr. Derstine, you're getting much better at it because I
3 think you're figuring out how long you think it's going
4 to take and you're adding a day to it. I've seen that in
5 the last number of cases. I've figured you out. I know
6 that's what you're doing.

7 MR. DERSTINE: Well, yeah, I certainly need to
8 add to whatever my gut is. But I would anticipate we'd
9 be done by Thursday. You know, following the process of
10 not wanting to engage in deliberations in the afternoon
11 might be a push to be done and ready for deliberations on
12 Wednesday morning. So I'm guessing we'd wrap up by
13 Thursday for deliberations and be finished by early
14 afternoon.

15 It's possible it could go shorter. I think as
16 Mr. Eich indicated, although there's been a lot of
17 outreach and the vetting process for this project has
18 been ongoing for some time, right now, we don't have
19 anyone raising their hand and raising any real concerns
20 with the project or any of the route alternatives.

21 So without an intervenor and the time it will
22 take to present this to the Committee to make the choices
23 on the various route alternatives, I'm guessing it's
24 Wednesday for most of it, deliberations on Thursday is
25 probably where we'll end up.

1 CHMN. CHENAL: Okay. Very good.

2 Let's talk about publication of the notice,
3 posting of signs, and social media.

4 Mr. Spitzkoff, is that your area? You'll tell
5 us about the posting and publishing, and then let's talk
6 about social media to get the word out about the hearing.

7 MR. EICH: I think you're on mute, Jason.

8 MR. SPITZKOFF: Thank you.

9 I think between Mr. Eich and Mr. Trenter,
10 they'll cover the posting of signs and notifications.

11 MR. EICH: Yeah, I can cover that.

12 The map here indicates the locations of those
13 signs with that green asterisk that you see posted at
14 each of those locations. The idea was to post the signs
15 at the more trafficked areas. Being that these
16 alignments follow along roadways for the most part, we
17 thought intersections made sense. We have about ten
18 different locations identified here as I guess the
19 starting point to discuss with you each of these
20 locations.

21 We have reached out to the City of Goodyear
22 about utilizing their road right-of-way for these signs.
23 They are aware of these and have agreed to them.

24 So there are, I guess, starting at the top
25 right corner, the location there would be Dysart and

1 where the I-10 interchange occurs, again, in the city
2 right-of-way. Same with on the south side of the 10.
3 There could be a location there. Could be both or one or
4 the other, depending on your thoughts as well.

5 Heading west, we also identified one at the
6 north end of Central Avenue. That does not go through
7 the I-10. There is not as much traffic area right there.
8 However, there is -- it's a dead end road, but there is a
9 church building right there, I believe, and an apartment
10 nearby. So that was the reason for placing that there.

11 Continuing west, we have Litchfield Road.
12 Similar to the Dysart locations, we would do the same
13 here on both the north and south side of the I-10.

14 Over on Bullard Road, again, along Bullard
15 Road, likely on the east side of the roadway in the
16 right-of-way location there.

17 And then if you want to go down to -- yeah, the
18 bottom, APS also has a Bullard Substation. In that
19 location, we could either place that on the APS side or
20 in the roadway right-of-way.

21 Heading east, that made sense to place on the
22 corner of that location, again, in the road right-of-way.
23 That is another APS substation. We felt we could utilize
24 that spot if we wanted to put it in the APS-owned land or
25 the road right-of-way.

1 And then a couple more locations on Van Buren
2 in the road rights-of-way. Again, Dysart Road and Van
3 Buren on the very east made sense. It seemed to be a
4 very highly trafficked area.

5 CHMN. CHENAL: Well, those look like good
6 locations to me. It's going to give a good opportunity
7 for the public to see those signs. You have them listed
8 there, so I assume that they are locations that you're
9 agreeable to placing the signs in those locations. So
10 unless there's any further discussion on it, let's just
11 assume those will be the locations for the signs.

12 Now, the publishing, that will be with the
13 Arizona Republic, I assume, of the Notice of Hearing?

14 MR. EICH: Yes. We have two newspapers that we
15 will be publishing with. The Arizona Republic West
16 Edition, which covers quite a bit of area, including
17 Goodyear, Avondale, Litchfield Park, this whole area is
18 covered by that.

19 We also will be publishing in the West Valley
20 View, which is --

21 CHMN. CHENAL: The West Valley what? I'm
22 sorry.

23 MR. EICH: West Valley View.

24 CHMN. CHENAL: West Valley View.

25 MR. EICH: Yes.

1 CHMN. CHENAL: Okay.

2 Very good. Let's talk about social media
3 because the Procedural Order I have now requires, you
4 know, notification of this hearing through social media.
5 And I wanted to get your thoughts on how that might look
6 because I know APS has a social media group. And we've
7 done this in the past, but I'd like to hear from you what
8 your thoughts are on that and how you propose using
9 social media to get the word out on this hearing.

10 MR. EICH: Sure.

11 Social media has been utilized already on this
12 project for our outreach, for our public open houses, so
13 we are familiar with that process. We plan to utilize
14 Facebook and Instagram, APS's social media sites, to send
15 out advertisements based on an address in a radius that
16 will be sent to those locations that would cover
17 essentially the project area here.

18 CHMN. CHENAL: And is that the study area that
19 was shown and Mr. Spitzkoff referred to earlier inside
20 the black hashmark?

21 MR. EICH: Right.

22 MR. SPITZKOFF: Mr. Chairman, the language that
23 was used in the prior case that we just had, the 131 and
24 120 Amendments --

25 CHMN. CHENAL: Yes.

1 MR. SPITZKOFF: -- we would be doing similar or
2 same social media announcements as we did there. So I
3 imagine the same language would be acceptable for us.

4 CHMN. CHENAL: So you'll use Facebook,
5 Instagram, your own social media that you have at APS, I
6 guess, obviously, website. I don't know what else you
7 use to provide notice.

8 MR. SPITZKOFF: Yeah. So it would be the
9 Facebook ads, Instagram ads. Those ads would provide the
10 information and the ability to click on the links to go
11 to the relevant sites.

12 CHMN. CHENAL: And then what do those ads --
13 what information would I get if I clicked on that?
14 That's not a good question.

15 What will the ads show? Will it discuss the
16 project and indicate what the Notice of Hearing would
17 indicate, when the hearing is going to take place?

18 MR. EICH: The ads themselves, my understanding
19 is they are very brief to try and direct people to the
20 sites for the detailed information.

21 As far as the actual information for the
22 hearing itself, I'm not aware how the previous two have
23 gone, if they've included that or not, but we would do
24 whatever they did.

25 CHMN. CHENAL: I think the idea of social media

1 is to -- I mean, my idea is -- and I think we've kept it
2 very general and very loose because I obviously want to
3 defer to the applicant in this. But I think the goal
4 here is to get the word out that there's going to be a
5 hearing on this project on such-and-such a date at this
6 location.

7 So I think that information is kind of what I
8 think is important in terms of social media and getting
9 the word out more than simply, "Hey, click on to hear
10 about this new, exciting project." It's actually to
11 provide information about this hearing in case people
12 want to participate.

13 MR. DERSTINE: I think that's -- the basic
14 information would be kind of the main takeaways from the
15 published Notice of Hearing, that is, the name of the
16 project, the date and the time and the location of the
17 hearing. And then for more information, there would be a
18 link that would take the person who's interested to the
19 project website for more information. We'll have a
20 project map, etc. I think that's how the other Facebook
21 ads were drafted.

22 CHMN. CHENAL: Okay. And that's fine. I think
23 that's fine. I know in the past, we've had testimony
24 about the publication and the posting. I just want to --
25 if we haven't -- in the last hearing, I know there was

1 discussion about the social media, but I think there
2 needs to be at the hearing some testimony or evidence on
3 these ads and what information was provided. I think
4 that would be helpful in the study area for the social
5 media.

6 MR. DERSTINE: Right.

7 Stephen, are you also using a postcard to
8 publicize the hearing as well?

9 MR. EICH: Yes. We will also use a postcard to
10 send out as well as an email blast, is what we have refer
11 to it as, utilizing the APS customer emails in this
12 general location.

13 CHMN. CHENAL: Perfect. And, again, the
14 emails -- well, you have an email list, is that correct,
15 of customers within the study area or the project area, I
16 should say?

17 MR. EICH: Yeah. The email is based on the
18 feeders in the area, so that blast will go out not
19 exactly within this. It will overlap a little bit, but
20 it will be sure to get everyone in this project area.

21 CHMN. CHENAL: Good.

22 All right. I always ask this question: The
23 hearing will be at the Hampton Inn. That's also going to
24 be the location for lodging for those Committee Members
25 that wish to stay at the Hampton Inn?

1 MR. EICH: Yes.

2 CHMN. CHENAL: And the applicant will cover the
3 cost of the lodging, correct?

4 MR. EICH: Yes.

5 CHMN. CHENAL: Okay.

6 MS. BENALLY: Mr. Chairman, before you move off
7 of the notice area, I think, Mr. Eich, did you also want
8 to cover the libraries that you'll be placing these
9 applications and transcripts at?

10 MR. EICH: Sure.

11 We have two libraries that we will be putting
12 transcripts. One is the City of Goodyear library. I
13 don't know if Jason can find that on there. Yes, that's
14 the location right there right along Van Buren, the City
15 of Goodyear library.

16 We also will be posting on the Sam Garcia
17 Western Avenue Library in Avondale. That's to the south
18 of that. A little bit further. Right there, yes, in
19 that general location.

20 CHMN. CHENAL: Thank you.

21 All right. Let's talk about a tour for a
22 moment. I think -- you know, obviously, this is an
23 interesting situation since there will be someone else
24 handling this hearing, but I think that we should at
25 least plan for a tour. I know during the severe COVID

1 period, we did not have tours. We just used Google
2 flyovers and such. But I think we ought to at least have
3 a plan for a tour. It could be subject to cancellation,
4 but a tour by bus for the Committee Members to be able to
5 see the proposed alternative sites for the lines. And
6 then that plan would be submitted and then be part of the
7 presentation.

8 And those tours normally would occur the
9 morning of the second day of the hearing because then
10 people have seen and heard about the project. But then
11 having it in the morning, and especially when it's still
12 warm, makes a lot of sense.

13 So I will ask the applicant to come up with a
14 proposed tour for this project and be prepared to discuss
15 that at the time of the hearing. Is that all right?

16 MR. EICH: Yes.

17 MR. SPITZKOFF: Yes.

18 MR. DERSTINE: Yep. You bet.

19 CHMN. CHENAL: Prehearing conference.

20 Remind me, Tod, did we discuss a date and a
21 time for that yet?

22 MR. BREWER: We did not, Mr. Chairman. I
23 believe the week of September the 27th is going to be the
24 best time for it because of other projects.

25 CHMN. CHENAL: Yeah, this is -- I apologize,

1 but I'm having a real hard time with the technology in my
2 office right now. I can't get this wonderful Zoom
3 conference off my computer screen in order to access the
4 calendar.

5 Can I ask, Mr. Spitzkoff, can you remove the
6 map?

7 MR. SPITZKOFF: I certainly can. There we go.
8 I found the button.

9 CHMN. CHENAL: All right. Let's see.
10 So what date were we looking at?

11 MR. BREWER: September 27th.

12 CHMN. CHENAL: September 27th. Okay. That
13 should be a good date. Let's do it at 2 in the
14 afternoon. Does that work for everybody?

15 MR. DERSTINE: Works for me.

16 MR. SPITZKOFF: Works for me.

17 CHMN. CHENAL: And if that date needs to be
18 changed, we can change it. But for now, just to put a
19 date in and reserve it, we'll do it for the 27th at
20 2 p.m.

21 All right. I like to ask this question: The
22 status of permits for the project. Any federal permits?
23 Any permits by any of the local, state, or county
24 entities?

25 MR. EICH: Yeah. We anticipate permit needs

1 from the FAA, ADOT, Flood Control District of Maricopa
2 County, and any city right-of-way permits, if necessary.

3 CHMN. CHENAL: Any general plan or zoning
4 amendments required for the project?

5 MR. TRENTER: No.

6 MR. SPITZKOFF: No.

7 CHMN. CHENAL: Any federal permits, NEPA or
8 anything like that?

9 MR. TRENTER: No NEPA, no.

10 MR. SPITZKOFF: No.

11 CHMN. CHENAL: And the FAA. This is pretty
12 close to the Goodyear Airport. Any special concerns the
13 FAA or the airport authority has for the project, or is
14 this outside of their area of concern?

15 MR. SPITZKOFF: Mr. Chairman, we've been
16 working with the FAA, provided them some preliminary
17 information that they reviewed and bought off on. Of
18 course, they won't provide a final approval until we get
19 into final design, which we can't do until final siting.
20 But so far, we're working with them, and everything looks
21 good as far as the heights of the structures and
22 everything.

23 CHMN. CHENAL: Okay. All right. Good.

24 MR. TRENTER: And I would add, Jason, to that,
25 there was an earlier question on where we cross I-10 and

1 why. And working with those folks are some of the
2 reasons why we located in the areas that we did.

3 CHMN. CHENAL: Okay. Thank you for that.

4 MR. TRENTER: Yeah.

5 CHMN. CHENAL: What's the projected date for
6 filing of the application?

7 MR. EICH: We plan to file August 24th. It's a
8 Tuesday.

9 CHMN. CHENAL: Okay.

10 MR. DERSTINE: Subject to Tod's approval.

11 CHMN. CHENAL: Tod controls a lot of this.

12 MR. DERSTINE: I know.

13 CHMN. CHENAL: Keep him happy.

14 All right. August 24th.

15 We're in a hearing next week and we're in a
16 hearing -- which is local, Phoenix. And then the
17 following week, the week of August 29th or 30th, we have
18 a hearing in Parker. It actually starts on Tuesday, the
19 31st.

20 So I think what we're going to have to do is
21 get all these documents prepared this week. We'll have
22 the documents that we will need to prepare, the agenda,
23 the Notice of Hearing, the Procedural Order, and the
24 letter to the Corporation Commission asking for their
25 input. So this is a fun week. But we will get it done.

1 Let me just look here.

2 Just to let you know, when I say things are
3 backing up, I'm not kidding. We have this line siting
4 hearing today, we have two tomorrow, we have one on
5 Thursday, and we have two on Friday. Then the hearing
6 next week, then the hearing the following week. Then we
7 have a week off, and then we're in Tucson for two weeks.
8 And then we have a week off, and then we have this
9 hearing. And there's, like, two or three others that are
10 in the holding pattern for October and November.

11 So, Tod, this week, those documents -- I'm
12 going to be looking at you to kind of help get these
13 finished, and then we have the other ones we're going to
14 probably need to do this week too. I can also do them
15 next week, but, like I said, we're going to be in hearing
16 next week and that delays it.

17 I'd like to have everything lined up this week
18 so we don't have to, you know -- if you're filing, you
19 know, you need to get these -- the Procedural Order needs
20 to get out. You definitely need the Notice of Hearing so
21 you can meet the publication deadline. So I think what
22 we'll probably do is prepare those this week in advance
23 and have them available for you, even with you, so you
24 can use them when you need them. Sound good?

25 MR. EICH: Yes. Thank you.

1 CHMN. CHENAL: We don't want any delays or
2 missing anything.

3 We'll want to make sure we have, as usual, a
4 strong, robust WiFi at the hearing location.

5 I think electronic, you know, laptops or iPads
6 with the documents loaded would be good.

7 And the Procedural Order will be as past
8 procedural orders, so there shouldn't be any surprises
9 there.

10 So that's all I had on my checklist. Are there
11 any matters we should discuss about this that we haven't
12 already discussed?

13 Business casual. I might have to put that in
14 the Procedural Order. And then if it's missed, it's
15 there, and that's your defense when you show up at a
16 hearing if anyone wants to change things later on.

17 But I think that's all I had. Anything else,
18 Mr. Derstine?

19 MR. DERSTINE: (Shakes head in the negative.)

20 CHMN. CHENAL: Ms. Benally?

21 MS. BENALLY: I do not have anything else,
22 Mr. Chairman. Thank you.

23 MR. DERSTINE: No, I think other than to say it
24 sounds like you're getting out just in time and turning
25 it over to Chairman Katz as things get very busy, so way

1 to go.

2 CHMN. CHENAL: Yeah. We were used to like two
3 or three hearings a year. Now we're literally getting
4 like two a month.

5 MR. DERSTINE: Right.

6 CHMN. CHENAL: And so the record's clear, I
7 think we discussed off the record, I should note that
8 I'll be retiring from the Attorney General's Office
9 October 1st. And Paul Katz will be the chairman
10 effective as of October 2nd, a former judge of the
11 Superior Court, very well respected, very good guy. So
12 it's in good hands, I promise you. But he did go to
13 Michigan, so that's a problem, but, you know.

14 Mr. Spitzkoff and I had this running dispute
15 about the inappropriateness of Rutgers being in the Big
16 Ten, so I might have an ally on that, Mr. Spitzkoff.
17 We'll see.

18 MR. SPITZKOFF: Mr. Chairman, I don't think so
19 because it's an easy win for University of Michigan.

20 MR. TRENTER: Or Wisconsin too.

21 CHMN. CHENAL: Oh, boy.

22 MR. KATZ: And I'm not counting on much of
23 anything. We'll have to see whether Michigan comes alive
24 finally.

25 Anyway, I can also tell you that I'm older than

1 Tom and still not retired completely.

2 CHMN. CHENAL: Well, not the reason my video is
3 not working today, but you wouldn't know it from looking
4 at us from what he just said.

5 Anyway, so this is going to be fun. I get to
6 set a hearing and someone else gets to conduct it, but
7 that's the reality of it.

8 So, again, if there's any questions, any issues
9 that come up, please let us know. I guarantee you this
10 video is going to be working tomorrow for any other
11 hearings. Anything we need on this case that comes up,
12 let us know. We'll fit you in. We'll do it whenever we
13 have to to make sure that everything's covered before the
14 hearing.

15 So thank you all. If there's nothing else,
16 we'll adjourn and see you on the 27th.

17 MR. DERSTINE: Thank you.

18 MS. BENALLY: Thank you.

19 CHMN. CHENAL: Good-bye everybody.

20 (The prefiling conference concluded at
21 2:48 p.m.)

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24

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

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

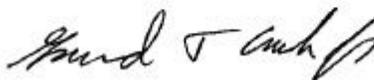
9 I CERTIFY that I am in no way related to any of
10 the parties hereto nor am I in any way interested in the
11 outcome hereof.

12 I CERTIFY that I have complied with the ethical
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 18th day of August, 2021.

16
17 

18 _____
19 CAROLYN T. SULLIVAN, RPR
20 Arizona Certified Reporter
21 No. 50528

22 I CERTIFY that COASH & COASH, INC., has complied
23 with the ethical obligations set forth in ACJA
24 7-206(J)(1)(g)(1) through (6).

25 

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