

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,) PREHEARING CONFERENCE
 25 LOCATED IN GOODYEAR, MARICOPA)
 COUNTY, ARIZONA)

16 At: Phoenix, Arizona
 17 Date: September 27, 2021
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19 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED
1	Proposed Notice of Hearing Sign Locations	13
2	Public Involvement Summary	15
3	Project area map	15

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, commencing at
5 2:04 p.m. on the 27th day of September, 2021, with all
6 participants appearing via videoconference.

7
8 BEFORE: THOMAS K. CHENAL, Chairman
9 PAUL A. KATZ, Acting Chairman

10 APPEARANCES:
11 For the Applicant:

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

17 and

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

23 ALSO PRESENT:

24 Mr. Jason Spitzkoff, Manager
25 Engineering Transmission & Distribution, APS
26 Mr. David F. Wiley, Supervisor
27 Engineering Transmission & Distribution, APS
28 Mr. Stephen Eich, Transmission & Facility
29 Siting Consultant, APS
30 Mr. Paul Trenter, Environmental Planning Group
31 Ms. Teresa O'Neil, Environmental Planning Group
32 Ms. Anna Chaulk, Federal/State Senior
33 Regulatory Analyst, APS
34 Ms. Aileen De Los Angeles, Paralegal, APS
35 Mr. Tod Brewer, Assistant to Chairman Chenal

1 CHMN. CHENAL: Good afternoon, everyone. This
2 is the time set for the prehearing conference on CEC 193,
3 the Three Rivers 230kV Transmission Line Project.

4 May I have appearances, please.

5 MR. DERSTINE: Matt Derstine, appearing on
6 behalf of Arizona Public Service Company.

7 MS. BENALLY: Linda Benally, appearing on
8 behalf of Arizona Public Service.

9 MR. EICH: Stephen Eich, appearing on behalf of
10 Arizona Public Service.

11 MR. WILEY: David Wiley, appearing for Arizona
12 Public Service.

13 MR. DERSTINE: You're getting APS folks along
14 with counsel, so you're getting everybody.

15 CHMN. CHENAL: We might as well continue with
16 everyone.

17 Mr. Spitzkoff.

18 MR. SPITZKOFF: I guess, if that's the case,
19 Jason Spitzkoff with Arizona Public Service.

20 MS. CHAULK: I'm Anna Chaulk with Arizona
21 Public Service, but certainly not representing as a
22 lawyer.

23 CHMN. CHENAL: That's okay.

24 Mr. Trenter, do you want to go next?

25 MR. TRENTER: Certainly. Paul Trenter,

1 representing Environmental Planning Group, on behalf of
2 Arizona Public Service.

3 CHMN. CHENAL: And Ms. O'Neil.

4 MS. O'NEIL: Teresa O'Neil, representing EPG
5 and representing Arizona Public Service Company.

6 CHMN. CHENAL: And Mr. Wiley.

7 MR. WILEY: Yes. David Wiley, Arizona Public
8 Service.

9 CHMN. CHENAL: And the last one is Ms. Aileen
10 De Los Angeles.

11 MS. DE LOS ANGELES: Aileen De Los Angeles.

12 CHMN. CHENAL: Okay. That just screwed up my
13 French -- my best Spanish pronunciation. Aileen De Los
14 Angeles. Okay.

15 MS. DE LOS ANGELES: Yes. Paralegal, APS.

16 CHMN. CHENAL: All right. Good. And hello
17 again.

18 Well, this is -- as you know, I'm retiring.
19 Thursday will be my last day, and Paul Katz will be
20 Chairman going forward. And while I will retain the huge
21 and awesome powers of Chairman of the Line Siting
22 Committee through Thursday, as a practical matter, I
23 think it's appropriate for Chairman Katz to handle this
24 hearing since he will be conducting this hearing on
25 October 4th.

1 So, Chairman Katz, if you want to take over and
2 go through your checklist. And if I see anything at the
3 end, you know, I'll speak up. But why don't we turn it
4 over to you, sir.

5 ACTING CHMN. KATZ: Thank you very much, and
6 good afternoon, everybody.

7 I've had the pleasure a couple hearings ago to
8 meet Mr. Derstine and Linda Benally. But some of you
9 don't know who I am, and you'll be seeing more of me than
10 you probably would like over time.

11 I've been practicing law for about 45 years. I
12 was a Superior Court judge here in Maricopa County for 22
13 of those years, so I'm comfortable handling hearings.
14 But I've never handled, obviously, one of these line
15 siting hearings before and have only observed one hearing
16 previously.

17 I think my biggest challenge is going to be to
18 be able to identify names with faces. And when we get
19 into the hearing, I might actually ask you, at least the
20 first time that you're going to address the Committee, to
21 state your name for the court record even though our
22 reporter will probably know who most of you are.

23 But, anyway, I'll get things started, and I've
24 invited Tom, or he might have even insisted on,
25 intervening if I forget something. I also was provided

1 with a checklist, and some of these things may not be
2 applicable to where we are at in these proceedings.

3 The first thing I'd like to confirm with
4 whoever wants to volunteer that information is whether or
5 not lodging arrangements have been made for all of the
6 Committee Members who are coming in from out of town.
7 I'll be staying at my home in Scottsdale and commuting.
8 But on this hearing, I know we're having some out-of-town
9 folks on the Committee appearing.

10 MR. DERSTINE: Thank you, Chairman.

11 Lodging arrangements have been made. I think
12 we have a current list. Stephen Eich maybe wants to
13 identify who we show on our roster as having reserved
14 rooms. I know a number of Committee Members are planning
15 to stay and have made reservations. Others, I think like
16 yourself, have elected to stay home.

17 Stephen, do you want to update us on how many
18 you have staying at the hotel? I think you got that
19 information through Tod, Mr. Brewer.

20 MR. EICH: Sure.

21 I just got an update this morning, actually.
22 We have Member Haenichen, Member Hamway, Member Palmer.
23 And I believe those are the only Committee Members that I
24 show here. There are a few others, but I believe those
25 are APS staff.

1 ACTING CHMN. KATZ: I think we're set in that
2 regard.

3 I haven't received any, but has APS received
4 any requests for intervention in this proceeding?

5 MR. DERSTINE: No.

6 ACTING CHMN. KATZ: And I'm assuming,
7 Mr. Derstine, that you're not expecting anybody to
8 intervene?

9 MR. DERSTINE: We are not.

10 ACTING CHMN. KATZ: I did receive, Tod sent to
11 me today, a letter from Raul Amavisca, an engineer from
12 ADOT. And I can ask Tod maybe to send this to counsel if
13 you want a copy of it.

14 But it just says: Dear Arizona Power Plant and
15 Transmission Line Siting Committee: I would like to
16 thank you for keeping us in the loop with regard to the
17 Three Rivers 230kV Transmission Line Project. The
18 project is adjacent to an ADOT highway or within an ADOT
19 right-of-way. Upon initial review, ADOT would like to
20 relay that we would not allow a longitudinal installation
21 within our I-10 right-of-way. Currently, we have no
22 other comments but reserve the right to review and
23 comment on any project plans as to the impact they may
24 have on the State Highway System.

25 So I know that a portion of the line runs along

1 the highway, and there are a couple of different
2 alternatives that are being proposed. But is there any
3 concern about what the Department of Transportation has
4 indicated?

5 MR. DERSTINE: Well, we haven't seen that
6 letter, at least I'm not aware. Maybe Stephen or the
7 folks at APS have. I'm not aware of it.

8 But part of the case certainly will be, as you
9 noted, Chairman, that the routes -- there's a couple
10 different alternative routes that follow I-10. And part
11 of the corridor we would be seeking would be -- would
12 touch upon ADOT right-of-way and their access area that I
13 think that this letter is referring to. So I think that
14 is something that we'll be wanting to inform the
15 Committee of, and we'll have a discussion about how much
16 of a corridor you want to give us to try to continue to
17 work with ADOT.

18 I understand their position. They're generally
19 of the mind that we don't want you to build, you know,
20 within some distance of, you know, ADOT right-of-way.
21 But I think there have been exceptions that have been
22 made. So that will be part of the case in terms of the
23 discussion of the size of the corridor and whether the
24 Committee sees fit to give us a corridor width that moves
25 into the ADOT right-of-way area, to give us an

1 opportunity to work with ADOT, or whether you want to
2 just close off the corridor, you know, where the ADOT
3 right-of-way starts. So that will be a topic of
4 discussion.

5 ACTING CHMN. KATZ: Okay. And we'll be looking
6 at it shortly, but do the alternates provide a way of
7 avoiding that corridor?

8 MR. DERSTINE: Well, I think that --
9 [Simultaneous talking]

10 MS. BENALLY: I'm so sorry, Mr. Derstine.

11 I was just going to let you know, Chairman
12 Katz, that we are prepared to do a project overview.
13 Mr. Eich does have a map that he can call up. And I
14 don't know if that would be helpful at this point or at a
15 later time.

16 And I do apologize, Mr. Derstine. I think you
17 were --

18 MR. DERSTINE: No, that's fine. That's a good
19 idea.

20 ACTING CHMN. KATZ: I think we can wait a few
21 minutes, unless you wanted to go over that route map
22 right now. I mean, I'm happy to just keep rolling and
23 then have you give us all an overview in a few minutes.

24 MS. BENALLY: That's fine. Thank you,
25 Chairman.

1 ACTING CHMN. KATZ: Okay. Thank you.

2 And it doesn't appear that we're going to have
3 anybody intervening.

4 But, anyway, do you know the date by which we
5 have to reach a decision based upon the date upon which
6 your application was filed? With that 180-day timeframe,
7 I'm sure we're well within it.

8 MR. DERSTINE: Yeah, we're well within it. I
9 certainly haven't counted that out, and I don't
10 anticipate that we're going to spend any time past the
11 hearing that we have blocked out. So I would think we're
12 well within the 180 days.

13 Stephen or -- can someone identify the filing
14 date? I don't have it committed to memory.

15 MS. BENALLY: August 24th, 2021, is when we
16 filed.

17 ACTING CHMN. KATZ: So we'd have till sometime
18 around that date in February. I don't think that should
19 be an issue. Hopefully, we'll get a decision by the end
20 of next week.

21 MR. DERSTINE: Right.

22 ACTING CHMN. KATZ: And are you all comfortable
23 in believing that we can finish the hearing in three,
24 four, or, at the most, five days next week?

25 MR. DERSTINE: Yes.

1 ACTING CHMN. KATZ: Okay. Thank you,
2 Mr. Derstine.

3 Who are the affected jurisdictions? And have
4 they all received notice pursuant to A.R.S. Section
5 40-360.04?

6 MR. DERSTINE: Stephen or Paul, can you
7 identify the affected jurisdictions? Well, I can
8 probably do it.

9 MR. EICH: I have that with me if you'd like.

10 MR. DERSTINE: Great.

11 ACTING CHMN. KATZ: Certainly, go ahead.

12 MR. EICH: We've notified the City of Goodyear,
13 City of Avondale, Litchfield Park, City of Phoenix
14 Aviation Department, Arizona Department of
15 Transportation, the Flood Control District of Maricopa
16 County, and Maricopa County Planning and Development.

17 ACTING CHMN. KATZ: And those are all
18 potentially affected jurisdictions, correct?

19 MR. EICH: Yes. Maricopa County we don't
20 anticipate being affected by this directly but felt the
21 need to notify them anyway.

22 ACTING CHMN. KATZ: Well, thanks for doing
23 that.

24 And I know that you've already given us a map,
25 which I'll call Exhibit 1, that shows with little green

1 stars where you have posted signs. And just wanted to
2 confirm that those are all in places that would be
3 readily viewable by the public, either driving by,
4 walking by, or otherwise in the area.

5 MR. EICH: Yes.

6 ACTING CHMN. KATZ: And have notices gone out,
7 and how have they been published, for the public?

8 MR. EICH: We submitted two publishings in two
9 newspapers: The first, in the West Valley View on
10 September 1st and September 8th; the second, in The
11 Arizona Republic on September 1st, 3rd, 8th, and 10th.

12 We also submitted email blasts to APS customers
13 in the project area on September 9th and have utilized
14 Facebook and Instagram. That was sent out on September
15 15th.

16 And we've also -- postcard mailings were sent
17 out on September 15th as well.

18 ACTING CHMN. KATZ: And that would be to
19 everybody that's in the project area?

20 MR. EICH: Yes.

21 ACTING CHMN. KATZ: And that would be to how
22 many people?

23 MR. EICH: There were a little over 35,000
24 postcards. The email blast went to APS customers that we
25 have on file, so that was approximately 30,000. Facebook

1 and Instagram, around 40,000.

2 ACTING CHMN. KATZ: Thank you.

3 Tom or Tod, for some reason, I don't have a
4 copy of the agenda. You may have sent it to me and I may
5 have stashed it away somewhere. It may have come out
6 with the notice of who was appearing.

7 But has everybody seen a copy of the agenda for
8 the upcoming meeting?

9 MR. DERSTINE: Yes.

10 ACTING CHMN. KATZ: Are there any additions,
11 objections, or corrections to that agenda?

12 MR. DERSTINE: No.

13 I guess this would be an opportunity to confirm
14 that I think there were some early discussions about the
15 possibility of having an actual route tour. I think
16 we've then since had communication through Mr. Brewer, I
17 think with you, Chairman Katz.

18 I think APS's inclination was this would not be
19 a good time to have an actual route tour, and I think you
20 confirmed that that was the right course. So we're not
21 planning a route tour. So to the extent the agenda
22 provided an opportunity for a route tour, we have not
23 anticipated one and have not planned for one

24 ACTING CHMN. KATZ: That's fine. And I'm
25 assuming you'll have a virtual presentation available for

1 everybody in attendance, a flyover.

2 MR. DERSTINE: We will.

3 ACTING CHAIRMAN KATZ: Okay.

4 And do we now want to go over the proposed
5 route, or what is your thinking in that regard, either
6 Ms. Benally or Mr. Derstine?

7 MR. DERSTINE: Yeah. If this is a good time
8 for you, we can present -- I don't know how they're
9 ordered. I think the map you referred to that had the
10 sign notifications, if you want to start there -- where
11 would you like us to start?

12 ACTING CHMN. KATZ: I have two different maps.
13 The one that first came to me in the email that I
14 received from Tod was Exhibit 1 showing where the signs
15 are going to be posted.

16 Exhibit 2 was the Three Rivers 230kV Power Line
17 Project Public Involvement Summary.

18 And the third document was another map that
19 pretty well just shows the same route in greater detail
20 than the signage exhibit.

21 So I don't know whether you wanted to use the
22 first map, which I'll call Exhibit 1, or the third
23 exhibit for purposes of reviewing.

24 MR. DERSTINE: I think Mr. Eich has already
25 confirmed for the record that everything shown on

1 Exhibit 1 in terms of those stars, those are the
2 locations of signs that were posted, and we'll present
3 testimony related to that at the time of the hearing as
4 well.

5 As you indicated, the second, Exhibit 2, was
6 just the public outreach summary. That's for your
7 information. I know that Chairman Chenal always
8 requested, pursuant to Procedural Order, that he receive
9 that, so we sent that along.

10 So maybe the place to start is Exhibit 3, the
11 map, where Mr. Eich can take you through the various
12 routes and route alternatives for the project.

13 ACTING CHMN. KATZ: That would be fine,
14 Mr. Eich.

15 MR. EICH: Sure.

16 I'd like to share the map on the screen with
17 everyone.

18 ACTING CHMN. KATZ: Please do.

19 MR. EICH: I want to make sure that this is
20 being seen.

21 MR. DERSTINE: Yes.

22 ACTING CHMN. KATZ: Yes.

23 MR. EICH: Thank you.

24 I'll just begin, once again, in orienting
25 everyone to the map.

1 This large dark line near the upper portion of
2 the project is the I-10.

3 We have the Agua Fria River to the right side
4 of this map kind of winding north and south down the map.

5 We have the Phoenix Goodyear Airport on the
6 south portion of the map. You see kind of the north end
7 of that airport.

8 And just to the northwest of that is the
9 Compass Datacenter Site in yellow and the Three Rivers
10 Substation in that red hatched box in the center of that
11 site.

12 We have labeled the roadways throughout this
13 map, the main roadways, anyway, and then also shown in
14 different colors of lines the additional transmission
15 lines that are out there and mainly along the Agua Fria
16 River bed location.

17 And then we have three of the more bold lines,
18 if you will, showing the preferred alternative,
19 Alternative 1, and Alternative 2 routes.

20 Again, the project need is to connect two
21 single-circuit 230kV transmission lines from our existing
22 Rudd to White Tanks line, which is shown as this blue
23 line.

24 (Reporter interruption.)

25 MR. DERSTINE: And, Stephen, am I right in

1 terms of -- going back to this ADOT issue, the ADOT
2 right-of-way concern only comes into play -- well, can
3 you just show, using your cursor and using as few words
4 as possible, but identify what areas that we're having
5 where that ADOT right-of-way comes into play right there.

6 So it's that segment along the preferred and
7 Alternative Route 1, that first leg, that's where we're
8 getting in close to the ADOT right-of-way.

9 When we are south of I-10, are we having any
10 impact on the ADOT right-of-way along that -- where
11 you're using your cursor, south of I-10?

12 MR. EICH: Yes. Both locations would be
13 paralleling the ADOT right-of-way.

14 I would like to say our intent would be to
15 remain outside ADOT right-of-way as much as possible.

16 MR. DERSTINE: Right.

17 ACTING CHMN. KATZ: The light blue route keeps
18 you out of that right-of-way, does it not, your third
19 alternative?

20 MR. EICH: Technically, all three of these
21 alternative routes would begin within ADOT right-of-way.
22 ADOT right-of-way encompasses a larger portion within the
23 river area. However --

24 MR. DERSTINE: It's really their controlled
25 access that they have concerns about. It's not

1 right-of-way. And I was using the term "right-of-way"
2 kind of loosely. But their concern is having
3 transmission poles within their controlled access.

4 Do I have that right?

5 MR. EICH: Correct, which is much closer to the
6 roadway.

7 MR. DERSTINE: So there's a larger band that's
8 ADOT right-of-way, and then there's a narrower band
9 that's closer to the actual traffic road. And that's the
10 controlled access where ADOT has concerns about having
11 structures.

12 Go ahead, Paul.

13 MR. TRENTER: Yeah. I was going to add that in
14 a lot of places along the freeway on both sides, the
15 right-of-way is coincident with the controlled access.
16 In certain areas, like along the river, there are a
17 couple areas where, in that case, they purchased more
18 right-of-way. And where we would cross across the river,
19 we would not be in controlled access but would have to
20 get a right-of-way from ADOT.

21 In the other locations, we would be on the edge
22 of the controlled access. And that was really what ADOT
23 was pointing out, is that they didn't want a series of
24 structures to be within that controlled access. That was
25 when we were out in the field with them.

1 ACTING CHMN. KATZ: So how do you suggest,
2 Mr. Trenter or Mr. Derstine, that we resolve that issue?
3 Because we don't want to issue a CEC that ends up causing
4 problems with ADOT.

5 MR. DERSTINE: Yeah.

6 ACTING CHMN. KATZ: They haven't intervened. I
7 don't know whether they'll be present at the hearing or
8 not. But how do you suggest with basically less than a
9 week or a week to go that that best get addressed so that
10 you're at least looking at the route that would least
11 affect that right-of-way?

12 MR. DERSTINE: It's a good question. We're
13 aware -- I think as Mr. Trenter and Mr. Eich indicated,
14 we've had discussions with ADOT and are really aware of
15 their position. As I mentioned, I haven't seen this
16 letter, but I think it's in line with the discussion that
17 APS had with ADOT.

18 But two things:

19 We will follow up with ADOT regarding the
20 letter and just seek to better understand and clarify
21 what flexibility we have in terms of any of these routes
22 that impact the controlled access areas.

23 And then it will be up to us to inform the
24 Committee about how much of a corridor we need in our
25 request to be within ADOT right-of-way and a corridor

1 that, to some extent, extends into the controlled access
2 area. I think, as Mr. Eich indicated, the testimony will
3 be our intention is not to be within the controlled
4 access, but we were and will be seeking a corridor that
5 covers into the controlled access area to some extent.

6 But, ultimately, it will be up to ADOT to give
7 us the right to build there. And if they ultimately say
8 no, I think that's -- the answer is no, and we'll have to
9 figure out a way to design and construct the line to meet
10 their requirements.

11 But that will all be part of our case, and I
12 anticipate that we'll spend a fair amount of time on
13 that.

14 ACTING CHMN. KATZ: Okay.

15 MR. TRENTER: If I could add as one point of
16 clarification on the matter, when we were in the field,
17 we worked with the ADOT folks to get the two crossings
18 they would prefer. So there was an understanding that we
19 would have to cross the freeway with the alternative.

20 So I think the issue and the reason that we
21 have the 100 feet extending into the controlled access is
22 really if there's an aerial easement that's required, not
23 physical structures. So that's sort of the difference,
24 the subtlety, I guess.

25 ACTING CHMN. KATZ: Okay. I think we can move

1 on unless there's any further questions or concerns that
2 you need to call to my attention regarding the
3 right-of-way or the routes.

4 Hearing silence, we'll move on.

5 I'm assuming that APS or counsel will have
6 sign-in forms for the hearing and public comment sessions
7 that contains the name, address, phone number or email of
8 whoever might wish to address us.

9 And, again, we're going to be starting this
10 hearing at the Hampton Inn & Suites at 2000 North
11 Litchfield Road in Goodyear, Arizona. And we'll begin at
12 1:00 and run until about 4:30 or 5, depending on how
13 things progress, take a break, and at 5:30 have any
14 public comments made to address us.

15 Have you received -- Mr. Derstine or
16 Ms. Benally, have you folks received any input or
17 comments from members of the public by way of objection
18 or concern?

19 MR. DERSTINE: We have received comments, and I
20 think, to a large degree, we've been able to address
21 stakeholder and public comments throughout the planning
22 and development phases of the project.

23 At this point, we're not aware of any vocal
24 opposition to the routes that we've presented in the
25 application, but we'll have to see what happens on Monday

1 evening. Sometimes I'm surprised, and sometimes I'm not.

2 ACTING CHMN. KATZ: Understood.

3 MS. BENALLY: Excuse me.

4 ACTING CHMN. KATZ: Yes. Go ahead.

5 MS. BENALLY: In response to your first comment
6 about public comment forms, those will be made available
7 at the hearing so that we're capturing the information
8 that you noted and make them available if there are any
9 individuals that show up.

10 ACTING CHMN. KATZ: Thank you very much,
11 Ms. Benally.

12 And we are going -- I'm going to continue -- I
13 won't do what the prior Judge Foreman, when he was the
14 chair of the Committee, required. You're not going to
15 need to wear suits and ties or fancy dresses. Business
16 casual will be fine, and I'd just as soon keep it that
17 way. And I'm sure there aren't any objections. Some of
18 you may insist on wearing a suit and tie. I won't punish
19 you for it.

20 But I have only worn a tie once for a virtual
21 court hearing in about the last year and a half. And on
22 Friday, I have a prehearing conference that I may put a
23 tie on. Although I did ask Judge Warner, the last time I
24 appeared in front of him without a tie, I apologized to
25 him. And he asked me, "Paul, what would you have done if

1 I had appeared in front of you without a tie?" I said,
2 "I would have thrown you in jail." And we had a good
3 laugh, and I got away without wearing a tie.

4 But I just want you to feel comfortable and as
5 relaxed as you can under the circumstances.

6 We will, for the benefit of our court reporter
7 and for all of our sanity, take breaks approximately
8 every 90 minutes. And I'd like to limit those to a
9 maximum of 15 minutes so we don't unnecessarily drag the
10 proceedings out into extra hours or extra days.

11 Is there going to be any need for any daily
12 transcripts? I certainly don't need one, but I don't
13 know whether any of you do. If so, I'll have you make
14 arrangements with our court reporter.

15 MR. DERSTINE: No need for that, Carolyn. You
16 won't have to work overnight.

17 ACTING CHMN. KATZ: And I'm assuming that
18 arrangements have been made to have, as they say, robust
19 WiFi, so that anybody that wishes to appear virtually is
20 going to be able to do that, hopefully, with limited
21 echoes or disruptions.

22 MR. DERSTINE: Yes. The AV team that was at
23 the -- well, for our last hearing in Phoenix, we've used
24 them again, Peak Audio. And they've been out at the
25 hearing venue and have checked on the WiFi, so we should

1 be in good shape.

2 ACTING CHMN. KATZ: And do any of you have any
3 questions regarding the protocol or procedure of the
4 hearing itself? I've only had the benefit of sitting
5 through one hearing that our current Chair or ex-Chair
6 has conducted, and I felt comfortable with what went on.
7 But is there any special need or anything that you needed
8 to call to my attention or any questions you might have
9 regarding the way I intend to proceed?

10 MR. DERSTINE: No. Look forward to having you
11 as Chairman. We're sorry to see Chairman Chenal go, but
12 I think we're in good hands, and we look forward to our
13 next hearing with you.

14 ACTING CHMN. KATZ: And I guess there's been no
15 need for exchange, but have witness summaries or written
16 testimony been shared as is required?

17 MR. DERSTINE: Yeah. We filed our witness
18 summaries and proposed form of CEC. There really aren't
19 any intervenors, any parties that we're aware of, to
20 share those with, but those were filed in the docket as
21 required by the Procedural Order.

22 And then we'll be sending along to Tod our --
23 all of the exhibits so that we can get those in the hands
24 of all the Committee Members who are going to be
25 appearing virtually in advance of the hearing.

1 Otherwise, I think we're in compliance with all the
2 Procedural Order requirements.

3 ACTING CHMN. KATZ: Thank you.

4 And since we have no putative intervenors at
5 this point in time, I'm assuming that there's no need to
6 narrow the issues, but I'm expecting, obviously, that APS
7 will make a thorough presentation and present evidence to
8 support each and every element that they wish to have
9 included in the CEC and everything that is required by
10 statute.

11 MR. DERSTINE: Yes.

12 ACTING CHMN. KATZ: And at this point, since we
13 only have one party to these proceedings, I don't think
14 we need to worry about any objections, motions,
15 responses, and so forth. If any issues should arise, I
16 would give you an opportunity to either orally respond or
17 file any necessary legal briefs or memoranda.

18 And I'm assuming -- again, we have no
19 intervenors, and I'm assuming that all of the Arizona
20 Corporation Commission Staff have received notifications
21 of the upcoming proceedings and that any and all
22 necessary financial arrangements have been made with
23 them.

24 MR. DERSTINE: Yes.

25 ACTING CHMN. KATZ: Okay.

1 Is there any need for us at this time to review
2 the proposed Certificate of Environmental Compatibility?

3 MR. DERSTINE: I don't think so. As I
4 mentioned, we have filed the proposed CEC. As is the
5 case, we may refine that to some extent over the course
6 of the hearing based on feedback that we're getting from
7 the Committee. But as of right now, I think the proposed
8 form of CEC with the map indicates kind of our initial
9 view of the route that we'll seek approval for as well as
10 the corridor.

11 ACTING CHMN. KATZ: And, hopefully, I'll take
12 the opportunity, I haven't done that yet in this matter,
13 to either meet with the retiring Chairman or with Tod to
14 make sure that we don't have any comments and concerns.

15 And what we'll end up doing is taking your CEC,
16 together with any changes that we think might be
17 appropriate, and at the end of the proceedings, project
18 that on the left side of the screen. And we will then go
19 section by section, paragraph by paragraph, as may be
20 appropriate, to determine whether or not any of the
21 Committee Members, myself, or APS has any suggested
22 changes, and we'll make those changes on the left side of
23 the document. And I'll follow along, obviously, on the
24 right side as well.

25 I don't know if Tom has any -- or should I say

1 Mr. Chenal has any comments in that regard.

2 CHMN. CHENAL: Chairman Chenal. You said
3 ex-Chairman a few minutes ago.

4 ACTING CHMN. KATZ: Oh, yeah. You're still
5 sitting there. You still have all the power that I don't
6 yet have.

7 CHMN. CHENAL: That's exactly right. I'm not
8 "ex" till after Thursday. Friday you can be Chairman.

9 I think on the right screen is where the
10 changes will be made. In other words, the left screen
11 will be basically a static document. The right screen is
12 what we'll change as discussions ensue, and they'll each
13 have an exhibit number just so I think it's easier to
14 read the record that way.

15 ACTING CHMN. KATZ: And I stand corrected. I
16 think that that was my understanding. I did discuss that
17 with the current Chairman last week, but -- and I can't
18 pretend that I'm dyslexic. I have no excuses. But this
19 is going to be a nice learning experience for me, and I
20 would appreciate all of the help from you that I can get
21 to make sure we get this done efficiently and fairly
22 quickly.

23 Let me just ask you, are there any outstanding
24 or necessary jurisdictional permits that might be
25 required? Is any NEPA process involved in this matter?

1 I don't think we're touching upon any federal lands, but
2 with 404, I'm not sure with drainage easements, etc. But
3 do we have all of the permits that are needed, federal,
4 state, and local?

5 MR. DERSTINE: You're right. There's no NEPA
6 permitting or implications to my knowledge.

7 But, Paul or Stephen, in terms of other permits
8 and issues with the crossing of the -- I guess it's the
9 Agua Fria, do you want to comment on that?

10 MR. TRENTER: Yes, certainly. Be happy to.

11 For construction, we'll have to do
12 preconstruction surveys, probably with the Army Corps of
13 Engineers, and they look at each structure as its own
14 project. And they'll have to do they call it a
15 Nationwide 12 Permit prior to construction. But that's
16 once you have final design, you enter into that process.

17 ACTING CHMN. KATZ: Okay. And everything else
18 is pretty much in order?

19 MR. TRENTER: Yes.

20 ACTING CHMN. KATZ: And, obviously,
21 construction is not going to begin, even if a CEC is
22 issued, without obtaining all of the required permits.

23 Does APS intend to provide notebooks for each
24 of the Committee Members and/or iPads?

25 MR. DERSTINE: Yes. We'll have both available.

1 I think the Committee generally relies on iPads, but we
2 will have paper copies of the exhibit binders available
3 along with extra copies of the application.

4 ACTING CHMN. KATZ: And I'm happy to go either
5 way, but I can remember when I first started practicing
6 law, it took six minutes to send a single page of a fax,
7 and we had Selectric typewriters without any word
8 processing equipment. And as a lawyer, I had to make
9 sure that I dotted the I's and crossed the T's because if
10 you screwed things up and your secretary had to make a
11 correction, you were basically sitting on death row.

12 So, anyway, I feel comfortable using
13 electronics as well as paper. Sometimes I prefer paper,
14 particularly when I was on the bench and they started to
15 digitize everything and you'd go to the clerk's record
16 and couldn't find anything you were looking for.

17 But that all being said, are there any other
18 issues that are of concern that we need to discuss from
19 counsel's perspective and from, obviously, our Chairman's
20 perspective?

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

22 Linda, anything?

23 MS. BENALLY: Yes, Mr. Chairman. Thank you.

24 Just a couple of points regarding the hearing.

25 Our understanding is Committee Member Grinnell

1 and Riggins will be appearing virtually. I don't know if
2 we have additional Committee Members beyond those two,
3 but that's what we have so far from Mr. Brewer.

4 And then just for communication purposes, APS
5 does plan on providing lunch day one of the hearing and
6 then, of course, subsequent days after that and then
7 breakfast starting the second day as well, running
8 through the course of the hearing.

9 ACTING CHMN. KATZ: Thanks very much.

10 And my last understanding is that we have had
11 two Committee Members retire, Patty Noland and I forgot
12 the name of the other Committee Member who left us. And
13 I'm assuming that those two positions will remain vacant
14 at the time of this hearing.

15 MR. DERSTINE: I was aware of Member Noland
16 retiring, but I wasn't aware of a second one.

17 ACTING CHMN. KATZ: Mr. Chairman, do you know
18 who it was, or Tod?

19 MR. BREWER: I believe it was Member Riggins.

20 ACTING CHAIRMAN KATZ: So even though we were
21 having Member Riggins appear virtually, I'm assuming he's
22 not appearing at all, but we'll have to wait and see.

23 CHMN. CHENAL: I know he was looking for a
24 successor. I'm not sure -- I hear a lot of stuff in the
25 background there.

1 I'm not sure he's not going to appear. I know
2 he's seeking a placement. But until that's made, I was
3 under the assumption he was actually going to be there
4 virtually.

5 ACTING CHMN. KATZ: And he's still staying with
6 his agency. He's just been promoted, so they'll be
7 selecting someone else to fill his shoes.

8 MR. DERSTINE: Okay.

9 ACTING CHMN. KATZ: Anything further?

10 CHMN. CHENAL: When you're finished, Chairman
11 Katz, I'll have the final word here.

12 I just want to say thank you for everyone, but
13 I want to make sure we're finished with the hearing.

14 MR. EICH: If I may jump in, I noticed one more
15 name on that list that had signed up and I just wanted to
16 apologize. Carolyn Sullivan's name is also on that list
17 that has signed up at the Hampton.

18 ACTING CHAIRMAN KATZ: That's for
19 accommodations?

20 MR. EICH: Yes.

21 ACTING CHMN. KATZ: Okay. Anything further?

22 MS. BENALLY: I do not have anything further,
23 Chairman. Thank you.

24 ACTING CHMN. KATZ: Mr. Almost Ex-Chairman, any
25 further comments or words of wisdom?

1 CHMN. CHENAL: Well, I just want to say a final
2 thank you. This is my last official, I guess, action to
3 close this meeting.

4 Mr. Spitzkoff, something special for you. I
5 get to look at that every day.

6 You're in good hands. I want to thank each and
7 every one of you, especially Mr. Derstine. It's been a
8 pleasure to work with you in many hearings over a long
9 time.

10 Ms. Benally, same.

11 Aileen, same with you, De Los Angeles.

12 And, Mr. Spitzkoff, I will go to my grave
13 insisting that it's a travesty that Rutgers should be
14 anywhere near the Big Ten. I can't handle that one. But
15 I was pulling for Rutgers when they played Michigan. But
16 it's not going to be this year, but maybe next year.

17 Anyway, thank you all. It's been a real fun
18 run.

19 Carolyn, nice working with you as well.

20 If there's anything else, let's bring it up; if
21 not, we'll adjourn the meeting.

22 ACTING CHMN. KATZ: Nothing further, and I
23 won't comment any further about the Big Ten. But there
24 was only one university that my kids couldn't attend in
25 the country, and it wasn't Notre Dame. It was Ohio

1 State.

2 So, anyway, that all being said, take care, and
3 we'll see you all next Monday.

4 CHMN. CHENAL: Meeting's adjourned. My last
5 official action.

6 (The prehearing conference concluded at
7 2:49 p.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

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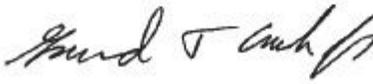
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12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and ACJA
14 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,
15 this 29th day of September, 2021.

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27 with the ethical obligations set forth in ACJA
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