

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-22-0030-00198  
5 COMPANY, IN CONFORMANCE WITH THE )  
6 REQUIREMENTS OF ARIZONA REVISED ) LS CASE NO. 198  
7 STATUTES 40-360, ET SEQ., FOR A )  
8 CERTIFICATE OF ENVIRONMENTAL )  
9 COMPATIBILITY FOR THE WEST )  
10 VALLEY CENTRAL TRANSMISSION )  
11 PROJECT, WHICH CONSISTS OF THE )  
12 CONSTRUCTION OF THREE NEW )  
13 DOUBLE-CIRCUIT CAPABLE 230 )  
14 KILOVOLT (KV) TRANSMISSION LINES )  
15 NEEDED TO INTERCONNECT THE )  
16 EXISTING CONTRAIL SUBSTATION )  
17 LOCATED AT THE SOUTHEAST CORNER )  
18 OF OLIVE AVENUE AND DYSART ROAD )  
19 IN EL MIRAGE, MARICOPA COUNTY TO )  
20 EXISTING 230 KV SUBSTATIONS AND ) PREHEARING CONFERENCE  
21 TRANSMISSION LINES IN THE AREA. )  
22 \_\_\_\_\_ )

23 At: Phoenix, Arizona  
24 Date: February 23, 2022  
25 Filed: February 28, 2022

26 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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By: Carolyn T. Sullivan, RPR  
Arizona CR No. 50528

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## INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED
1	Summary of Public Outreach Efforts	14
2	Hearing Notification Sign Locations	15
3	Route Tour Itinerary	--

1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Power Plant and Transmission Line Siting  
4 Committee, commencing at 2:06 p.m. on the 23rd day of  
5 February, 2022, with all participants appearing via  
6 videoconference.

7

8 BEFORE: PAUL A. KATZ: Chairman

9

10 APPEARANCES:

11 For the Applicant:

12 SNELL & WILMER, L.L.P.  
13 Mr. J. Matthew Derstine  
14 400 East Van Buren Street  
Suite 1900  
Phoenix, Arizona 85004

15 and

16 PINNACLE WEST CAPITAL CORPORATION  
17 Ms. Linda Benally  
Senior Attorney, Regulatory  
400 North Fifth Street  
18 Phoenix, Arizona 85004

19

POTENTIAL INTERVENORS:

20

For City of Peoria:

21

OFFICE OF THE PEORIA CITY ATTORNEY  
22 Mr. Michael Dynes  
General Counsel  
23 Mr. Saman Golestan  
Assistant City Attorney  
24 8401 West Monroe Street  
Room 280  
25 Peoria, Arizona 85345

1 ALSO PRESENT:

2 Ms. Erin Ford Faulhaber, Policy Advisor to  
3 Commissioner Anna Tovar

4 Mr. Jason Spitzkoff, Manager, Engineering T&D, APS  
5 Mr. Kevin Duncan, Senior Line Siting Consultant, APS  
6 Mr. David F. Wiley, Supervisor, Engineering T&D, APS  
7 Ms. Anna Chaulk, Federal/State Senior Regulatory  
Analyst, APS

8 Ms. Aileen De Los Angeles, Paralegal, APS  
9 Mr. Randy Simpson, Environmental Consultant,  
10 Burns & McDonnell

11 Ms. Denette Dunn, Peoria City Council  
12 Mr. Jeff Tyne, Peoria City Manager  
13 Ms. Adina Lund, Peoria City Engineer  
14 Ms. Irene Charlez, Peoria City Council Assistant  
15 Ms. Christine Penick, Paralegal, Saman Golestan

16 Mr. Greg Cravens, Peoria Resident  
17 Mr. Ari Felder, Peoria Resident  
18 Ms. Katherine Gatrost, Peoria Resident  
19 Ms. Eva Osuna, Peoria Resident  
20 Mr. Michael Rogers, Peoria Resident

21 Mr. Tod Brewer, Assistant to Chairman Katz

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1 CHMN. KATZ: This is the time set for a  
2 prehearing conference in the West Valley Central Project,  
3 which is CEC No. 198. And I first will ask any attorneys  
4 who are present to identify themselves.

5 I already see Mr. Derstine and Linda Benally,  
6 who are representing the applicant in these proceedings.

7 And generally, I will invite the lawyers to  
8 address the issues that I need to cover here today. And  
9 if they wish to have any witness of theirs or  
10 representative of theirs address me, they can introduce  
11 those individuals.

12 But the purpose is to just make sure that we are  
13 ready to move forward for the hearing. It's not an  
14 opportunity for those of you who have not participated in  
15 this process before to argue the merits of this  
16 application. It is basically just to make sure that we  
17 have everything well organized.

18 I also understand from Tod Brewer, who is our  
19 paralegal, who helps organize these meetings, that  
20 someone might be contacting us from the Maricopa County  
21 Attorney's Office. It's my understanding that they  
22 didn't receive proper notice to the right address, and  
23 somehow we got contacted by the Corporation Commission to  
24 advise us of the same. If someone from the Maricopa  
25 County Attorney's Office should appear, I will at least

1 allow them to address us because there's no way they  
2 could have timely intervened, if that was their intent,  
3 without receiving notice.

4 Mr. Derstine, is there anything you want to  
5 enlighten us on in that regard? I don't know if you do.

6 MR. DERSTINE: I don't. I wasn't aware of  
7 Maricopa County's concern or the fact that they didn't  
8 receive notice. I think Maricopa County is certainly on  
9 our list of affected jurisdictions, and we would have  
10 sent the Notice of Hearing to them. If it went to the  
11 wrong address, I wouldn't know that.

12 CHMN. KATZ: Tod Brewer, if you could, enlighten  
13 us in terms of who contacted you and what the message  
14 from them was.

15 MR. BREWER: Just for clarification, I believe  
16 it was for the City of Peoria who they were speaking  
17 about, not the Maricopa County Attorney's Office.

18 CHMN. KATZ: Okay. That's fine. And we do have  
19 representatives from the City of Peoria present. And  
20 I'll ask momentarily whether they just wanted to observe  
21 or whether they had intended, had they received  
22 appropriate notice, to intervene. We'll discuss that.

23 I'm going to follow a checklist so that I cover  
24 everything that needs to be covered.

25 I'll just ask, Mr. Derstine, I'm assuming that

1 we have proper lodging arrangements made for any  
2 out-of-town guests that might be joining us on the  
3 Committee, staff or otherwise.

4 MR. DERSTINE: We do.

5 CHMN. KATZ: And I notice that our hearing is  
6 going to be in the Glendale Civil Center or City Council  
7 Building.

8 MR. DERSTINE: I'll have Mr. Duncan give you the  
9 information, the name and the address of the hotel where  
10 we've made arrangements, and I know we're aware that  
11 certain Committee Members have made room reservations. I  
12 don't know how many, but -- Mr. Duncan.

13 MR. DUNCAN: If I could get back to you in a  
14 couple minutes. I need to bring that information up. I  
15 apologize.

16 MR. SIMPSON: Kevin, I do have the information  
17 if you'd like me to recite it.

18 MR. DUNCAN: Please do, Randy.

19 MR. SIMPSON: We've made reservations at the  
20 Holiday Inn Express & Suites, which is located in the  
21 Westgate Town Center in Glendale. The address is 9310  
22 West Cabela Drive, Glendale, Arizona 85305. So this is  
23 approximately in the vicinity of the stadiums as well as  
24 the Cabela's and other commercial centers in the area  
25 just off the 101 and roughly 99th Avenue. So it's

1 somewhere fixed between the Committee hearings and the  
2 project site, and that's where we chose.

3 CHMN. KATZ: And, again, the public notice  
4 outlines that location, I believe, as does the -- well,  
5 we've also noticed where the hearing will be taking  
6 place.

7 And I'm assuming, Mr. Derstine, that we'll begin  
8 at 1:00 on the 28th. I sometimes would like to get  
9 started a little earlier, but we have guests coming in  
10 from out of town from Safford, possibly from Tucson and  
11 Flagstaff, so I just want to make sure that everybody has  
12 a chance to travel.

13 And we'll run from about 1:00 until 4:30 or 5.  
14 We generally take a break about every 90 minutes so that  
15 we all can preserve our sanity and save our court  
16 reporter's hands to the extent possible.

17 We will then have public comment available. And  
18 I assume, Mr. Derstine, for those who are wanting to  
19 comment, if anybody, in person, we will have proper  
20 sign-in sheets so they can identify who they are if they  
21 wish to speak; is that correct?

22 MR. DERSTINE: That's correct, Mr. Chairman.

23 CHMN. KATZ: And do we have any requests to  
24 formally intervene? I know that there weren't any filed  
25 in writing, but I don't know what the City of Peoria's



1 intent was and whether they oppose, support, or are  
2 neutral with respect to this line siting project.

3 MR. GOLESTAN: Good afternoon, Mr. Chairman.  
4 Saman Golestan, Assistant City Attorney for the City of  
5 Peoria. If I may.

6 CHMN. KATZ: Sure.

7 MR. GOLESTAN: Yes, it is our intent to  
8 intervene and register official opposition.

9 We have been working with APS, and we appreciate  
10 those ongoing conversations. It was our hope that we  
11 would have had a conclusion that could be presented to  
12 this Commission. But since that hasn't formally  
13 crystalized, we want to make sure that the rights of the  
14 Peoria citizens are preserved and our position is known  
15 such that we can find a solution that does become part of  
16 this official record and becomes enforceable.

17 CHMN. KATZ: The question I have is did the City  
18 receive proper and timely notice of these proceedings?  
19 Because the Procedural Order and the rules generally  
20 require intervention well in advance of the prehearing  
21 conference.

22 MR. GOLESTAN: Well, Mr. Chairman, I don't  
23 believe the notice was proper. I just received,  
24 frankly -- our office, the attorney's office, has  
25 received this as of a few days ago, and it was

1 inadvertent because a transcript from a prior proceeding  
2 made its way to our office, and we had not received  
3 anything prior to that.

4 And I note that the service list on the  
5 certificate of mailing does not list the City Clerk's  
6 Office, which is the officer who is authorized to accept  
7 service on behalf of the City of Peoria by law, nor does  
8 it list anybody from the attorney's office. It lists the  
9 City Manager, but that's -- in our view, that's not  
10 sufficient service. And, frankly, it's common in other  
11 jurisdictions in other matters.

12 CHMN. KATZ: Let me just ask you this: If you  
13 do intervene, are you going to participate in  
14 cross-examination? And if you are allowed to intervene,  
15 are you going to be calling any witnesses?

16 MR. GOLESTAN: I would like to reserve that  
17 right. I don't know at this moment whether or not I  
18 would exercise that right, but it is possible. If so, I  
19 don't anticipate much cross-examination, and I do not  
20 anticipate many witnesses. The primary purpose of this  
21 intervention is to make sure that the alternatives that  
22 have been in discussion with APS are presented for the  
23 record and that agreement, whatever that agreement or  
24 that alternative is, becomes enforceable part of the  
25 record.

1 CHMN. KATZ: Okay. Because you are -- and I  
2 don't know what the deadline is offhand, but the parties  
3 are required to exchange a list of witnesses that  
4 includes a summary of what the witness is expected to  
5 testify to.

6 And, Matt, do you know offhand what that  
7 deadline would be? It's probably in the Procedural  
8 Order.

9 MR. DERSTINE: Mr. Chairman, I think the  
10 deadline was the day before this conference when we were  
11 filing our witness summaries and the other items that APS  
12 filed.

13 But I will state in terms of notice, the notices  
14 that we filed were served on the City of Peoria through  
15 Jeff Tyne, the City manager. The address is 8401 West  
16 Monroe Street, Peoria, Arizona 85345.

17 But issue of notice and timing aside, we're not  
18 going to object to the City of Peoria intervening as a  
19 party. We'll work with counsel to work out details of  
20 witnesses and cross-examination. I think we would agree  
21 with the statements made by counsel on the record here  
22 that APS and the City of Peoria have been working  
23 together to address the City's concerns. We've had  
24 ongoing discussions, numerous discussions, through  
25 various channels over the past certainly several days,

1 some intensive communications within the Mayor's Office  
2 and others with the City.

3 And so on behalf of APS, we're not going to  
4 object to the City's intervention regardless of timing,  
5 and we'll work out details on exhibits and witnesses as  
6 we get ready for the hearing.

7 CHMN. KATZ: And, Mr. Golestan, what you need to  
8 understand is I can't make the decision to permit the  
9 intervention. I would recommend it, particularly in  
10 light of the fact that there is no opposition from the  
11 applicant, but it will be the Committee on the morning of  
12 the hearing that has to make that decision by a majority  
13 vote. And I'm relatively certain that they will allow  
14 the intervention to occur.

15 But I need you, by 5 p.m. on Friday of this  
16 week, to get a list of any potential witnesses along with  
17 a detailed summary. And it doesn't need to be pages  
18 long, but a paragraph or two of what they're expected to  
19 testify to, if any. And you'll be given the free right  
20 to cross-examine any witnesses called by the applicant.

21 Any questions?

22 MR. GOLESTAN: Thank you, Mr. Chairman. Should  
23 that witness list be filed electronically?

24 CHMN. KATZ: It has to go to the docket, but it  
25 can be emailed to Tod and to me and, obviously, to

1 Mr. Derstine.

2 Somebody needs to mute themselves.

3 MR. GOLESTAN: I understand what you've laid out  
4 here, Mr. Chairman. I will work on that.

5 CHMN. KATZ: All right.

6 And I'm expecting, even with opposition, that  
7 this hearing probably will take about -- we have the full  
8 week, but I expect that it will probably take about two  
9 and a half to three days if it goes the way of most of  
10 our line siting hearings. So I'm not going to set any  
11 specific time limits. I'm sure you'll all be focused as  
12 you can be.

13 And let me just ask, Mr. Derstine, has the  
14 applicant complied with A.R.S. Section 40-360.04(A) and  
15 provided notice to the affected jurisdictions? And who  
16 are or what are the affected jurisdictions?

17 MR. DERSTINE: We have provided notice to the  
18 affected jurisdictions. I'll read the list that I have,  
19 and then we'll see if, the members on the team, if I've  
20 missed anybody.

21 They would include City of El Mirage, City of  
22 Glendale, City of Peoria, City of Surprise, Town of  
23 Youngtown, Maricopa County, Luke Air Force Base, Maricopa  
24 County Department of Transportation, and the Flood  
25 Control District of Maricopa County.

1 Did I miss anybody?

2 CHMN. KATZ: And right after Glendale or after  
3 Surprise, who was the last city or town named?

4 MR. DERSTINE: After Surprise, I think I  
5 mentioned the Town of Youngtown.

6 CHMN. KATZ: Okay. And has the applicant  
7 complied with posting and publishing requirements of the  
8 Procedural Order in accord with and complied with A.R.S.  
9 Section 40-360.04(A) in terms of giving notice?

10 MR. DERSTINE: Yes, we have. And we'll present  
11 that additional information on the posting, publication,  
12 etc., at the time of the hearing, as is typical in our  
13 case.

14 CHMN. KATZ: And I did receive today a summary  
15 of public outreach records. I don't know what order we  
16 would mark these exhibits in, but I guess we could treat  
17 that as Exhibit 1 for today's hearing or applicant's.  
18 And would it be West Valley's -- how do we want to  
19 abbreviate your exhibits now and at the hearing?

20 MR. DERSTINE: Mr. Chairman, you could just mark  
21 them APS-1.

22 CHMN. KATZ: Okay. We'll mark that APS-1, and  
23 we'll get copies of all these to our wonderful court  
24 reporter.

25 And I also did receive some other documentation

1 from you in terms of where signs have been posted. And  
2 that we'll mark as APS Exhibit 2?

3 MR. DERSTINE: Yes, please.

4 CHMN. KATZ: And I won't get into the issues  
5 regarding the tour as of yet.

6 Has everybody had an opportunity to take a look  
7 at the agenda for the upcoming hearing?

8 MR. DERSTINE: APS has reviewed the agenda,  
9 Mr. Chairman.

10 CHMN. KATZ: I don't know if Peoria has received  
11 copies or the other entities. Have you seen a copy of  
12 the agenda? It's pretty straightforward. It's pretty  
13 much we're going to hold a hearing on the 28th of  
14 February through, if necessary, March the 4th. And we  
15 start at 1:00 on Monday. And the rest of the days, we'll  
16 start at 9:00 and generally run until about 4:30 or 5 in  
17 the evening.

18 And the public comment session will be allowed  
19 both in person and virtual. And there will be a Zoom  
20 link available to the public to observe the hearing and  
21 another link available to participate in the public  
22 discussion.

23 But I don't know if you've seen, Mr. Golestan,  
24 the agenda, but there's nothing magical on it. And if  
25 you haven't seen it, we'll email a copy to you.

1 MR. GOLESTAN: Yeah. I haven't seen the full  
2 agenda, so I would appreciate receiving a copy.

3 CHMN. KATZ: It's pretty straightforward. There  
4 are no magic tricks or hidden things on that agenda.

5 And we've gone through our dates. We have a  
6 single hearing location.

7 I'm assuming that despite the fact that there  
8 may be some disagreements as to the route, we don't need  
9 security. We're not expecting any fights or angry  
10 citizens that are going to beat up other citizens or  
11 representatives of any of the parties. I assume that  
12 this will be a safe and orderly proceeding.

13 MR. DERSTINE: That's right, Mr. Chairman. We  
14 don't anticipate any need for security.

15 CHMN. KATZ: And, again, any members of the  
16 public that wish to address us, it will be 5:30 p.m. on  
17 the 28th. If you're there in person, you'll need to fill  
18 out a form with your name on it so we know who it is.  
19 And if anybody attends virtually, they'll have to state  
20 their name for the record.

21 And whether or not you want daily transcripts,  
22 we're going to break about every 90 minutes plus or minus  
23 a few for the benefit of our court reporter.

24 I'm assuming, as usually, Mr. Derstine, that we  
25 will have robust and quality WiFi. And I'm assuming that



1 we're using one of the regular groups of technicians to  
2 make sure that everything goes as well as we can expect.

3 MR. DERSTINE: Yes to both of those questions,  
4 Mr. Chairman.

5 CHMN. KATZ: Any other issues that any of the  
6 parties are concerned about regarding the hearing itself?

7 Hearing nothing, I want you all to know that I  
8 spent a number of years in private law practice, and I  
9 was on the Superior Court bench for just under 22 years.  
10 If you see how I'm dressed today, business -- and I'm not  
11 even wearing as nice of clothes as I will at the hearing.  
12 But I'm not expecting anybody to appear in a suit and tie  
13 unless that's what you feel makes you secure. You won't  
14 win or lose any points based upon whether you wear a suit  
15 and tie or a dress or skirt or whether you just appear in  
16 business casual clothing. So I'm not encouraging you to  
17 dress up, particularly in light of the length of our  
18 daily hearings.

19 I don't think we need a spreadsheet to be  
20 prepared at all. Do you, Mr. Derstine?

21 MR. DERSTINE: I'm sorry, Mr. Chairman,  
22 spreadsheet of?

23 CHMN. KATZ: Sometimes we've asked that there be  
24 a spreadsheet prepared to include, for each segment,  
25 whether each party is in favor or opposes the segment and

1 such party's position on need. And I don't think we need  
2 to do that. I don't think this is going to be  
3 complicated enough to require it.

4 And the other thing we need to have exchanged,  
5 Mr. Golestan, is you -- well, you'll get your list of  
6 witnesses. We'll also need to have your exhibits made  
7 available.

8 MR. GOLESTAN: Yes, Mr. Chairman. The same  
9 time, Friday at 5 p.m.?

10 CHMN. KATZ: And, Tod, do they have to submit 25  
11 copies of those to the Corporation Commission?

12 MR. BREWER: That's currently the requirement of  
13 Docket Control, yes.

14 CHMN. KATZ: So you'll need to make sure that  
15 they get -- the Corporation Commission gets 25 copies and  
16 make sure that the other attorneys who are appearing here  
17 today get copies of those exhibits as well.

18 Go ahead.

19 MR. DERSTINE: I'm sorry to interrupt you. Just  
20 so Mr. Golestan and his staff aren't using up all the  
21 paper of the City of Peoria, the exhibits aren't required  
22 to be filed. We appreciate copies on Friday along with  
23 the witness summaries of any witnesses they intend to  
24 call. Your Procedural Order only requires the filing of  
25 the witness summaries. And on behalf of the applicant,

1 we're obligated to file our proposed form of CEC. That  
2 was done.

3 So in terms of the City's intervention, it would  
4 be their application to intervene along with their  
5 witness summaries. And then he can simply email to me  
6 and Ms. Benally any exhibits they intend to use during  
7 the course of the hearing.

8 CHMN. KATZ: And you should make sure that Tod  
9 receives the same. And he usually will forward them to  
10 me. But if anybody needs it, my email address is  
11 paul.katz@azag.gov.

12 And the way we usually do it is Arizona Public  
13 Service will have exhibits numbered 1 through whatever.  
14 And with respect to Peoria, you can just put Peoria 1, 2,  
15 3, 4. In other words, I won't have you -- if they have  
16 20 exhibits, I won't have you 21. I just would want them  
17 marked as Peoria 1, 2, 3, 4, 5.

18 And it appears at least there have been some  
19 discussion, and I don't know whether or not we'll have a  
20 resolution, of the route that the Committee will likely  
21 consider and approve. And right now, we don't have any  
22 motions or objections that we need to rule upon.

23 And I understand the difficulty. And since  
24 there's no objection, I won't require that the City of  
25 Peoria comply strictly with the Procedural Order. But as

1 a general rule, we are generally requiring service upon a  
2 city or a town or an affected county's manager and not  
3 every agency and not necessarily to the city or county  
4 attorney. That all being said, that's an issue that's  
5 behind us.

6 Are there any other issues, Mr. Derstine or  
7 Mr. Golestan, that we need to take care of?

8 MR. GOLESTAN: Not from my perspective,  
9 Mr. Chairman. Thank you.

10 CHMN. KATZ: And I'm assuming any financial  
11 arrangements have been made with the Arizona Corporation  
12 Commission, that Commission Staff have been notified, and  
13 that the ACC is aware of what is to take place next  
14 Monday.

15 MR. DERSTINE: Yes. The financial arrangements  
16 have been made, and APS will certainly cover all the  
17 required steps toward cost of the proceeding.

18 In terms of additional matters, I notice there  
19 was a comment in the chat from one of the parties on --  
20 who are appearing for the prehearing conference. I  
21 assume it was from one of the residents in the area.

22 Mr. Chairman, you may want to address for  
23 residents who have comments or concerns about the project  
24 that they are welcome and encouraged to appear at the  
25 comment section that starts at 6 p.m. on the first day of

1 the hearing.

2 CHMN. KATZ: 5:30.

3 MR. DERSTINE: 5:30. Okay. And if you want to  
4 expand on that, you can, but I wanted to make sure that  
5 that question is addressed.

6 CHMN. KATZ: And if you're there in person and  
7 fill out the form, you have the choice of asking to speak  
8 to us, or you can just submit a written comment on the  
9 form and don't have to speak. And people can appear  
10 virtually. And there will be a link. I guess it gets  
11 posted on your website or APS's website; is that correct?

12 MR. DERSTINE: A link to the comments that are  
13 presented?

14 CHMN. KATZ: There are a couple of Zoom links.

15 MR. DERSTINE: Yes.

16 CHMN. KATZ: One is to just allow participation  
17 at the public session at 5:30 until it ends, and the  
18 other is to be able to observe without comment. And the  
19 public is invited only to comment during that 5:30  
20 session. And hopefully, we can get that done in a  
21 reasonable period of time and won't need to continue it  
22 over to a second day. But we'll cross that bridge if and  
23 when we come to it.

24 I'm not going to get into a discussion of the  
25 proposed certificate of environmental compliance or the

1 CEC. You just need to make sure, Mr. Derstine, that the  
2 interested parties, particularly the City of Peoria, but  
3 everyone gets a copy of that. And what I did in the last  
4 hearing is to change things a little bit. What we will  
5 end up doing, Mr. Derstine, is Tod will be primarily  
6 responsible, but I will work with him in reviewing the  
7 proposed certificate of environmental compliance.

8           Once the evidence is in, it will be emailed to  
9 you in both a Word format and a PDF. The PDF will be  
10 projected on a big screen to the left, and it just shows  
11 how it has been presented and edited by myself with the  
12 assistance of Tod. And it will remain unchanged. The  
13 Word version will go on the right, and that will be the  
14 one that, as we proceed, we will edit with any additions,  
15 corrections, or amendments.

16           And sometimes they are few and far between, and  
17 the last hearing we had involving that expansion plant in  
18 Coolidge resulted in probably about 15 or more additional  
19 conditions that were imposed upon the applicant for  
20 reasons that were pretty evident at the time of the  
21 hearing.

22           So I'm not going to review the CEC now, but make  
23 sure that everybody that has an interest in these  
24 proceedings, I mean the attorneys or the city and town  
25 officials, have a copy of it so they're free to comment.

1 And I'm hoping that discussions will continue. There's  
2 not a lot of time left between the APS and the City of  
3 Peoria to see whether they can work out any of the  
4 disagreements between the parties.

5 I'm assuming that no federal lands are involved,  
6 so no environmental impact statement was required. Would  
7 that be a proper conclusion or am I wrong in that regard?

8 MR. DERSTINE: You are correct, Mr. Chairman.

9 CHMN. KATZ: And has APS either received or  
10 applied for any jurisdictional permits that they might  
11 need, federal, state, county, city, or town, that they  
12 might need to construct these lines?

13 MR. DERSTINE: We have not at this stage.

14 CHMN. KATZ: Okay. But that's something you  
15 will be doing, and it will be a condition of any CEC that  
16 might be issued.

17 We don't have any NEPA-related issues.

18 And I'm generally -- I generally -- Tod will  
19 provide me with a notebook that has almost all the  
20 relevant pleadings in it, and, also, I will have a copy  
21 of the application in a notebook, so I won't need that.

22 And if we have voluminous exhibits, I sometimes  
23 like paper exhibits, but most of the Committee Members  
24 are happy to be able to look on an iPad or Surface Pro or  
25 some other exhibit. And I'm assuming that the exhibits

1 will be loaded on that.

2 And, Mr. Golestan, you might want to coordinate  
3 with Mr. Derstine to have your exhibit added to that so  
4 we don't have to have a lot of trees cut down to provide  
5 multiple copies to everyone.

6 And does anybody have any other concerns or  
7 objections? And I'm talking to the parties that are  
8 within the jurisdictions affected and not inviting public  
9 comment at this time.

10 Anything further?

11 MR. GOLESTAN: Nothing further from me,  
12 Mr. Chairman. I will work with the deadlines presented.  
13 And it's my understanding, at least, then, that the  
14 exhibits are preferred to be electronic in lieu of the 25  
15 physical copies. I just wanted to make sure I understood  
16 that correctly.

17 CHMN. KATZ: That's correct. I don't think the  
18 docket requires those exhibits to be filed, but the  
19 exhibits will be attached to the court reporter  
20 transcript that gets filed so the Corporation Commission  
21 will have a record of the actual exhibits that get  
22 offered and received into evidence.

23 Are there any other matters that we need to  
24 discuss?

25 MS. DUNN: I have a question.



1 CHMN. KATZ: Yes.

2 MS. DUNN: This is Council Member for Peoria  
3 Denette Dunn.

4 CHMN. KATZ: Yes, ma'am.

5 MS. DUNN: I have several residents on, and I  
6 have been informed that they had to attend this call and  
7 then fill out intervenor forms to be able to attend the  
8 meeting next Monday. Is that correct? Am I missing  
9 something?

10 CHMN. KATZ: Normally, we don't have residents  
11 intervene unless they're represented by counsel. They  
12 participate in the public comment session at 5:30 till  
13 6:30 or 7:00. And depending on the number, sometimes we  
14 limit time to three minutes, sometimes longer.

15 If we have any officials, like from the city  
16 council, town council, county board of supervisors, and  
17 we know that they're present either in person or  
18 virtually, we will allow the representatives of the  
19 community to address the Committee before members of the  
20 general public.

21 MS. DUNN: Okay. Yes, I do plan on attending.

22 CHMN. KATZ: That's fine. And you'll be given  
23 an opportunity to address the concerns that the City  
24 might have. And if you have other questions, I suggest  
25 that you address them with your city attorney,

1 Mr. Golestan, and he probably can assist you and answer  
2 any questions you might have.

3 MS. DUNN: Thank you, sir.

4 CHMN. KATZ: Thank you very much.

5 Anything else? Well, I thank you all. I would  
6 encourage you to relax at least a little bit and get  
7 yourselves prepared and ready to get started at 1:00 on  
8 this coming Monday, the 28th of February.

9 And I appreciate everybody's interest in this  
10 matter and can assure you that the Committee will listen  
11 to everyone's concerns attentively.

12 Just for those of you who are strangers, we have  
13 representatives from a few state agencies. We have  
14 representatives that represent cities and towns, a  
15 representative that represents counties, a representative  
16 who represents agriculture. So we have a good mix of  
17 folks on the Committee. And I've found them, in my five  
18 hearings that I've conducted and the six that I've  
19 observed, to be very receptive, and they won't hesitate  
20 to ask questions of witnesses or of the lawyers as might  
21 be needed.

22 Thank you all. We do stand in recess.

23 (Off the record.)

24 CHMN. KATZ: We may end up having a tour. And  
25 that just occurred to me too. Do you think it's going to

1 be useful for the Committee to take a tour? It was very  
2 useful in our last matter because it was a power plant  
3 located next to a -- that already exists but was being  
4 expanded next to a historical Black community. And I  
5 won't get into comments, but it's a shame that Coolidge  
6 and Pinal County allowed industrial growth around this  
7 historical community. But that was done a long time ago,  
8 sadly.

9 Do you think a tour would be beneficial?

10 MR. DERSTINE: Mr. Chairman, we do. We have  
11 prepared a route tour and have made arrangements for  
12 proper transportation for the Committee and the court  
13 reporter, and there are a number of stops to show the  
14 three segments that make up this project.

15 And so I would encourage, when we get to that  
16 point with the Committee, that we do take the tour. And  
17 I think that will be beneficial for the Committee to see  
18 where the proposed transmission lines will be located and  
19 the surrounding environment.

20 CHMN. KATZ: Let me just ask you, what day do  
21 you think it would be good to take that tour? Wednesday  
22 morning or Tuesday afternoon? I don't know how long you  
23 would expect the tour to take because I don't know how  
24 many miles we're covering. I know the last tour, we had  
25 a 30-minute ride to and a 30-minute ride back from the

1 site.

2 MR. DERSTINE: Mr. Chairman, I think we  
3 anticipate that the tour will take approximately three  
4 hours. And my suggestion would be that we do it Tuesday  
5 morning. So if we would start the day on Tuesday with  
6 the route tour, you may want to convene for a few minutes  
7 in the hearing room and then adjourn for the route tour  
8 and then reconvene at, say, 1:00 on Tuesday. I think the  
9 Committee and the parties would benefit from having the  
10 route tour on that Tuesday morning. I think it gives  
11 them the best information about the project and its  
12 impacts.

13 CHMN. KATZ: And if the Committee does approve  
14 the tour, I'm relatively certain they'll be happy to  
15 approve, the public is invited, but would have to --  
16 we'll have a meeting place where we're going to be  
17 departing from, probably the Glendale Civic Center. And  
18 people who are not on the Committee or staff of the  
19 parties are going to need to provide their own  
20 transportation and can follow us along the route.

21 Do you want the other exhibits marked? We have  
22 both -- well, we have a tour document as well as a map of  
23 the tour, and we have a map of the sign locations.

24 MR. DERSTINE: You can just mark those in no  
25 particular order, Prehearing -- APS Prehearing

1 Exhibits 1, 2, 3, and 4.

2 CHMN. KATZ: We can do that. And I'll have Tod  
3 send those exhibits over to Carolyn.

4 MR. DERSTINE: Thank you.

5 CHMN. KATZ: Thank you all for your courtesy and  
6 your patience. I look forward to seeing all of you on  
7 this coming Monday. And other than that, I'm going to  
8 wish you all a pleasant afternoon and a good evening.  
9 Take care.

10 (The prehearing conference concluded at  
11 2:44 p.m.)

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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  
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13 obligations set forth in ACJA 7-206(F)(3) and  
14 ACJA 7-206(J)(1)(g)(1) and (2). Dated at Phoenix,  
15 Arizona, this 24th day of February, 2022.

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27 with the ethical obligations set forth in  
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