

1 BEFORE THE ARIZONA POWER PLANT LS-311
2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE) DOCKET NO.
APPLICATION OF 1886 SOLAR) L-21260A-23-0218-00224
5 ENERGY STATION LLC, IN)
CONFORMANCE WITH THE) LS CASE NO. 224
6 REQUIREMENTS OF ARIZONA REVISED)
STATUTES, SECTIONS 40-360, ET.)
7 SEQ., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
8 AUTHORIZING THE 1886 SOLAR)
ENERGY STATION INTERCONNECTION)
9 PROJECT LOCATED IN COCONINO)
COUNTY, ARIZONA.) PREFILING
10) CONFERENCE

11

At: Phoenix, Arizona

12

Date: July 14, 2023

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Filed: July 31, 2023

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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(Pages 1 through 17)

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, commencing at 3:02 p.m. on July 14, 2023, with
5 all participants appearing via videoconference.

6

7 BEFORE: Adam Stafford, Chairman

8

9 APPEARANCES:

10 For the Applicant:

11 Albert H. Acken
12 ACKEN LAW
13 111 East Dunlap Avenue
14 Suite 1-172
15 Phoenix, Arizona 85020

16

17 ALSO PRESENT:

18 Dean Hazel, SWCA
19 Kelsey Silver, Stellar
20 Tod Brewer, Assistant to Chairman Stafford

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1 CHMN STAFFORD: Let's go on the record.

2 Now is the time set for the prefiling
3 conference for Stellar Renewable Power Gen-Tie Project.

4 Let's take appearances, please.

5 MR. ACKEN: Good afternoon, Mr. Chairman.
6 Bert Acken of Acken Law on behalf of the applicant who is
7 1886 Solar Energy Station LLC. So, again, that's 1886
8 Solar Energy Station, LLC.

9 With me this afternoon is Dean Hazle of
10 SWCA who's the SWCA project manager managing the
11 application development process and will be one of our
12 witnesses at the hearing as well as the prefiling and
13 prehearing logics. Kelsey Silver of Stellar may join us
14 depending on her travel schedule. So if she's able to
15 get a good connection, I think she'll join us when she
16 can.

17 CHMN STAFFORD: Thank you.

18 Has there been public interest in this
19 project so far?

20 MR. ACKEN: None whatsoever. This, again,
21 is a remote area. This project is -- for background and
22 reference and for the record is -- sounds like she's
23 calling in. Good afternoon, Kelsey.

24 MS. SILVER: Hi, everyone. I'm sorry for
25 being a couple minutes late but my Zoom wasn't working.

1 But I am on the Stellar team, the new project manager for
2 the 1886 project, and happy to be on this call with
3 everybody.

4 MR. ACKEN: Thank you, Kelsey. This is
5 Bert. I had started -- I had encouraged the chairman to
6 start because I wasn't sure about your availability. I
7 understand you may have some travel. So thank you for
8 joining us.

9 The chairman's initial question to me was
10 about public interest and, frankly, the lack thereof.

11 For reference, this project, again, is
12 located north of Flagstaff. This one is pretty close to
13 the 180 -- relatively close to 180, just north, so as you
14 head northwest out of Flagstaff towards the Grand Canyon.
15 So that's the general project area. Again, located on
16 Babbitt Ranch private and State checkerboard lands.

17 CHMN STAFFORD: Mr. Acken, there are a
18 number of prefiled exhibits. Would you like to introduce
19 those for us, please?

20 MR. ACKEN: Yes, Mr. Chairman. Thank you.

21 The first is we'll mark as PFC-1 is the
22 PDF, and we've also provided a Word version, of the draft
23 notice of hearing. This is the standard notice of
24 hearing you'd expect for projects to go before the
25 Committee for your review and consideration listing

1 hearing location, libraries at which the application will
2 be available, project website, public comment
3 opportunities, things of that nature. So that's PFC-1.

4 PFC-2 will be the proposed sign location
5 map which provides an overview of the project as well as
6 the two sign locations. Again, just to orient you with
7 that one, the project is shown in the blue line, the
8 transmission line, from what will be an onsite project
9 substation in red, then trending north -- excuse me east
10 northeast to the APS switchyard under development along
11 the existing transmission lines that are shown in yellow.
12 180 is in the map as well so you can see from --
13 reference the area in which we're talking about. And so
14 that would be PFC-2.

15 PFC-3 would be the two sign -- proposed
16 sign texts. One will be right there along 180 where the
17 existing transmission lines cross 180. And then the
18 second one, we are again proposing to put a sign along
19 the Arizona Trail, an abbreviated sign for hikers along
20 the Arizona Trail. Even though this project is several
21 miles from the Trail, we just thought it made sense given
22 general interest in the Trail to put one there as well.

23 CHMN STAFFORD: All right. Thank you.
24 Those are admitted.

25 Got the draft notice of hearing.

1 What newspaper will the publication be in
2 for the notice?

3 MR. ACKEN: Again, we'll be in the daily
4 Flagstaff newspaper, the Arizona Daily Sun. And we have
5 the same publication request as far as some of the
6 challenges with the local paper on publishing maps, and
7 so we would ask that if we file by the 24th that we have
8 a copy of the final notice of hearing that we can provide
9 to the newspaper on the 25th by 10 a.m. That will allow
10 us to meet our publication deadlines.

11 CHMN STAFFORD: All right. Now, what are
12 the affected jurisdictions for this project?

13 MR. ACKEN: This project is located
14 entirely in unincorporated Coconino County, again,
15 checkerboard private and Arizona State Trust lands so the
16 other affected jurisdiction is Arizona State Land
17 Department.

18 CHMN STAFFORD: All right. And you'll
19 prepare the notice for them, the affected jurisdictions,
20 too; correct?

21 MR. ACKEN: That's correct.

22 CHMN STAFFORD: Now, the hearing will be on
23 Thursday, September 7 and, Friday, September 8 possibly;
24 correct?

25 MR. ACKEN: Yes, that's correct. That's

1 what we have proposed in the public notice.

2 CHMN STAFFORD: Now, I noticed that it's
3 starting at one p.m. Won't we be in Flagstaff for the
4 other hearing on the 5th and 6th anyway?

5 MR. ACKEN: Good point. We can start
6 earlier. We could get this done in a day but for the
7 evening public notice session. So I don't know -- want
8 to think about doing something different with that
9 evening public notice so that we can get this done in a
10 day. Because there's not much to it. If we start at
11 nine a.m. with no opposition, the straightforward
12 transmission line testimony we'll be done by noon on
13 Thursday.

14 CHMN STAFFORD: I think the Committee would
15 want to keep the 5:30 public comment --

16 MR. ACKEN: -- oh, I'm sorry.

17 CHMN STAFFORD: I think I want to start
18 before one, though. I think we'll be able to get it done
19 long before the public comment. But I think let's start
20 at, say, 10 a.m. on the 7th.

21 MR. ACKEN: Okay.

22 CHMN STAFFORD: I think we'll be stuck with
23 the evening public comment, but then we'll come back at
24 nine o'clock on Friday. And then we can just -- you can
25 have any rebuttal to any public comment that's been

1 received necessary, and then we can proceed straight to
2 consideration of the CEC and a vote.

3 MR. ACKEN: Thank you.

4 CHMN STAFFORD: I'd like to keep that
5 evening public comment session. That provides the most
6 availability for people who have to get off work at five
7 if they wanted to participate.

8 MR. ACKEN: Understood.

9 CHMN STAFFORD: Okay. So you got that,
10 Tod? We'll make that change to 10 a.m. on the 7th.

11 MR. BREWER: Yes, Mr. Chairman. Thank you.

12 CHMN STAFFORD: Okay. Now, you've got the
13 lodging for out-of-town Committee Members squared away
14 for the hearing?

15 MR. ACKEN: Yes, again, Mr. Chairman, it
16 will be lodging available at the Drury which is adjacent
17 and, I think, affiliated with in some such with the
18 conference center. And so the idea is that Committee
19 Members and Jennifer can make one reservation for the
20 duration of both hearings.

21 And then these two applicants deserve
22 credit for working well together and collaboratively.
23 And, again, as I mentioned in the prior one, we
24 appreciate the Committee's accommodation of putting both
25 of them back to back which provides some meaningful cost

1 savings. And those these two entities, again, are
2 working well together to allocate expenses.

3 CHMN STAFFORD: Okay. Now, the applicant
4 will have a plan for a tour at the prehearing conference,
5 and I would estimate the date for any tour would be that
6 Friday morning if we were to, in fact, to take a tour,
7 which given the remoteness of the line seems unlikely.

8 MR. ACKEN: So, yes, we will be prepared
9 for that. I understand that the Committee has to make
10 that call. You know, I think it's even more unlikely in
11 this one than the other one because the Committee's not
12 interested in -- I shouldn't say the Committee's not
13 interested. If there's no public interest in a tour for
14 the first one and there's no tour taken in the first one,
15 it doesn't seem likely that something different is going
16 to happen with the second one.

17 We have the same issue with respect to
18 potential public access limitations. While this project
19 is closer to 180, you know, finding a place to pull off
20 on 180 is maybe not the greatest idea, and we would still
21 be some distance away from the project itself.

22 So, yes, we'll be prepared for an in-person
23 tour if that's the Committee's direction, but you're
24 going to -- the Committee will see an excellent virtual
25 tour and presentation on this project that we anticipate

1 that will give them a full picture of the project and the
2 area in which it's sited.

3 CHMN STAFFORD: Okay. Tod, what's the date
4 we have for the prehearing conference?

5 MR. BREWER: Mr. Chairman, this is also
6 scheduled for August 29 but at three o'clock.

7 CHMN STAFFORD: And, Mr. Acken, what was
8 your anticipated file date for this application?

9 MR. ACKEN: Dean, is this the -- are we
10 shooting for this one for the 21st, or is this one on the
11 24th as well?

12 MR. HAZLE: We're going to try to file both
13 of them on the 24th.

14 MR. ACKEN: 24th.

15 CHMN STAFFORD: Of July; correct?

16 MR. ACKEN: That's correct.

17 MR. HAZLE: Correct.

18 CHMN STAFFORD: All right. So there's no
19 litigation or disputes for this project?

20 MR. ACKEN: That's correct.

21 CHMN STAFFORD: We'll issue the procedural
22 order after you get the application filed and sent to
23 everybody.

24 You'll have a draft CEC by the prehearing
25 conference with the conditions referenced to prior CECs?

1 MR. ACKEN: We will.

2 CHMN STAFFORD: Okay. And you anticipate
3 little to no public comment on this; correct?

4 MR. ACKEN: That's correct. I mean, the
5 applicant has done quite extensive public outreach
6 already, and it's -- just there isn't public concern
7 about this project location or what the project entails.

8 CHMN STAFFORD: Now, what permits are
9 required for this line and what's --

10 MR. ACKEN: There will be a Coconino
11 conditional use permit as well as, again, there is a
12 Bureau of Reclamation approval process needed because
13 they have ownership interest in the two existing lines,
14 existing lines with which this project will interconnect,
15 so there is a NEPA component. And for the same reasons
16 that I mentioned in the prior prefiling conference, that
17 NEPA process has been delayed due to the delay in
18 receiving the system impact study that we had anticipated
19 receiving many, many months ago. So that process has not
20 commenced.

21 As far as the County entitlement process,
22 Dean or Kelsey, can you speak to that?

23 MR. HAZLE: Yeah. This 1886 Solar Energy
24 Station was previously part of a larger solar development
25 that was permitted a couple of years ago by Coconino

1 County. When Stellar acquired a portion of that
2 development, which is now called 1886, they also acquired
3 the conditional use permits for the sections of private
4 land that comprise the solar project. So this already
5 has the County approval, and it's just that outstanding
6 NEPA component which has been delayed from the system
7 impact study.

8 CHMN STAFFORD: Okay. So the conditional
9 use permit's already in place, then?

10 MR. HAZLE: Yes. Sorry. That was a long
11 answer to a short question. I can't help it.

12 CHMN STAFFORD: You're very thorough.

13 MR. ACKEN: Save it for the hearing,
14 Mr. Hazle.

15 CHMN STAFFORD: All right. And you'll have
16 the same AV team for this hearing as with the --

17 MR. ACKEN: Yes, we will.

18 CHMN STAFFORD: -- Ethic Wind hearing which
19 is immediately prior to one. Okay. And we'll have the
20 exhibits available on tablets or something for the
21 Committee Members?

22 MR. ACKEN: We will.

23 CHMN STAFFORD: This is another one of
24 those thousand dollar filing fee cases, isn't it?

25 MR. ACKEN: That's correct. Given the

1 short distance of this transmission line, it was a
2 thousand dollar application fee. We understand that the
3 fees will certainly exceed that, and the applicant will
4 pay its share.

5 And as I mentioned on the prior prefiling
6 conference, again, this applicant is very appreciative of
7 that consolidation which does provide for some cost
8 savings.

9 CHMN STAFFORD: Okay. So the applicant
10 does consent to pay the Commission for this cost in
11 excess of the filing fee for the cost of the Committee
12 and the transcript and the hearing?

13 MR. ACKEN: Yes.

14 CHMN STAFFORD: Okay. Thank you.

15 Just a reminder that the turnaround time
16 for the transcripts is three days.

17 I think that's everything that I have. Is
18 there any other concerns or issues that we need to
19 address, Mr. Acken?

20 MR. ACKEN: At this time, again I would ask
21 Dean or Kelsey if I've misstated or missed anything,
22 please, speak up. Otherwise, we really -- again, this is
23 another exciting project and a great location, and we
24 look forward to presenting to you and the Committee in
25 early September.

1 CHMN STAFFORD: Okay. Now on a separate
2 note, at the conclusion of this hearing on the 8th, was
3 it your understanding that we would be holding a
4 Committee meeting upon the adjournment of this hearing at
5 the same location to address, I think, the Winchester
6 project?

7 MR. ACKEN: Yes, Mr. Chairman. That was --
8 that was the brainstorm idea that if we could use the
9 remaining time that's available, that we anticipate will
10 be available, on Friday September 8. Again, this is a --
11 the 1886 Project is straightforward. We anticipate --
12 well, certainly, since we're going to start at 10, we'll
13 be in deliberations early on Friday morning.

14 And so we would ask that in the time set
15 aside for the Committee to review the evidentiary record
16 developed for you as the hearing officer for the
17 Winchester project. And I will say, again, if that's
18 something that you and the Committee are willing to do,
19 all three applicants facilitated by Mr. Hazle are working
20 well together to, you know, apportion costs and have
21 really worked well together. So I'm personally grateful
22 and happy to report that they are doing so.

23 CHMN STAFFORD: All right. So say if we
24 were to set that Committee meeting at, say, one o'clock
25 on the 8th, that would work for you and the AV team and

1 the applicants?

2 MR. ACKEN: Yes.

3 CHMN STAFFORD: Okay. Well, I will talk to
4 Mr. Brewer after this, and we will get that set up.

5 MR. ACKEN: Great. Thank you so much.

6 CHMN STAFFORD: That's everything I have.

7 Is there anything else, Mr. Acken or Mr. Brewer?

8 MR. BREWER: No --

9 MR. ACKEN: None from the applicant. Thank
10 you.

11 MS. SILVER: Thank you for your time.

12 CHMN STAFFORD: We're good, Tod?

13 MR. BREWER: Yes, Mr. Chair. Thank you.

14 If you want to stay on, we can talk about --

15 CHMN STAFFORD: Okay. That would be
16 perfect. All right. That concludes the prefiling
17 conference. We're adjourned.

18 (Proceedings concluded at 3:21 p.m.)

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