

1 BEFORE THE ARIZONA POWER PLANT LS-320

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)
 7 40-360, ET. SEQ., FOR A) PREHEARING CONFERENCE
 CERTIFICATE OF ENVIRONMENTAL)
 8 COMPATIBILITY AUTHORIZING)
 THE 1886 SOLAR ENERGY)
 9 STATION INTERCONNECTION)
 PROJECT LOCATED IN COCONINO)
 10 COUNTY, ARIZONA)
)

11

12 At: Phoenix, Arizona

13 Date: August 29, 2023

14 Filed: August 30, 2023

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 (Pages 1 through 16)

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22 Glennie Reporting Services, LLC
 1555 East Orangewood Avenue
 23 Phoenix, Arizona 85020

Prepared by:

24 602.266.6535
 www.glennie-reporting.com

Jill Marnell, RPR
 Arizona Certified
 Reporter No. 50021

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INDEX TO EXHIBITS

NUMBER	DESCRIPTION	IDENTIFIED	ADMITTED
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NONE

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 3:04 p.m. on August 29, 2023,
5 with 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

19 Dean Hazle, SWCA Environmental Consultants
20 Nick Brasier, SWCA Environmental Consultants
21 Kelsey Silver, Stellar Power
22 Tod Brewer, Assistant to Chairman Stafford

23

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25

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

3 Now is the time set for the prehearing
4 conference on the application of 1886 Solar Energy
5 Station, LLC, their application for a Certificate of
6 Environment Compatibility, Docket Number
7 L-21260A-23-0218-00224, or henceforth known as Line Siting
8 Case Number 224.

9 I'll take appearances, please.

10 MR. ACKEN: Thank you, Mr. Chairman. Bert
11 Acken of Acken Law on behalf of the applicant, 1886 Solar
12 Energy Station, LLC. With me this afternoon you have
13 Kelsey Silver of the parent company Stellar. She's the
14 project manager for the project. You also have Dean Hazle
15 and Nick Brasier of SWCA, who have been working on the
16 environmental resource testimony and are two of our
17 witnesses next week.

18 CHMN. STAFFORD: All right. And there is --
19 In this case there has been no request to intervene.

20 MR. ACKEN: That's correct. This project is
21 going to interconnect at the same location as the one you
22 just heard. Because the other one's going first it's
23 seeking the approval for the APS switchyard. Therefore we
24 don't need to address it in this project.

25 CHMN STAFFORD: All right. And you agree

1 that the January 20th, 2024, deadline is the time that the
2 Committee has to act in compliance with the statutes?

3 MR. ACKEN: Yes.

4 CHMN. STAFFORD: Okay. Now, you have
5 complied with the notice to affected jurisdictions of
6 Coconino County and State Land Department?

7 MR. ACKEN: We have.

8 CHMN. STAFFORD: And you had the -- the
9 proof of the certified mails attached to your summary of
10 the outreach efforts; correct?

11 MR. ACKEN: We do. We do.

12 CHMN STAFFORD: And the applicant's complied
13 with the posting and publishing requirements in the
14 procedural order?

15 MR. ACKEN: Yes, we have. So we sent the
16 notices out on -- We put signs at two locations. And then
17 on -- As far as newspaper advertisement, it was in the
18 Daily Sun on July 29 and August 1.

19 CHMN. STAFFORD: Okay. Now, Mr. Acken, I'm
20 assuming you reviewed the agenda. Do you have any
21 objections or additions?

22 MR. ACKEN: I do not.

23 CHMN. STAFFORD: All right. And this
24 hearing is set to start at 10:00 o'clock on Thursday next
25 week; correct?

1 MR. ACKEN: Yes, that's correct.

2 CHMN. STAFFORD: All right. And it will be
3 in Flagstaff at the -- What was the facility name? It's
4 next to the Drury Inn?

5 MR. ACKEN: Yeah, it's the 1899 Conference
6 Center where you are going to hear the 1886 Solar Energy
7 Station. So there will be a quiz at the end to make sure
8 we can all keep these numbers straight. But, yes, so it's
9 a -- it's an auxiliary conference room associated with the
10 High Country Conference Center where we have held other
11 hearings. And, again, it's adjacent to the Drury Inn as
12 well.

13 CHMN STAFFORD: All right. And then so we
14 have it set for Thursday and Friday. That's the -- That
15 should be sufficient time for the hearing, do you think,
16 Mr. Acken?

17 MR. ACKEN: I do. We're going to have one
18 panel with five witnesses: three witnesses on behalf of
19 the applicant, along with Mr. Hazle and Mr. Brasier. You
20 know, this is just a very straightforward case as it -- as
21 it regards to siting. And, you know, the testimony is
22 going to show that this is a remote rural area. It's a
23 five-mile transmission line paralleling another existing
24 transmission line with the full support of the underlying
25 landowner. So we think the environmental resource

1 analyses, that these should be very straightforward, as
2 well as the public outreach, which has been comprehensive.

3 The only -- You know, the only issue that we
4 have is -- as the same as in my last case, which is we
5 have -- we have had to obtain and pay for a third-party
6 power flow and -- and in this case a power flow and short
7 circuit analysis. And so we will have that. Ms. Silver
8 will be prepared to provide testimony it -- testimony on
9 it. I would like the opportunity to preserve objections
10 to its relevance and, again, would like -- welcome the
11 opportunity to file a brief beforehand on that point.
12 Again, wanted to highlight that this is a very different
13 fact pattern from Case 222 because there is a power flow
14 analysis conducted by a well-regarded electrical engineer
15 here in Arizona that actually can provide comfort to the
16 Committee about the safety and reliability of this
17 interconnection.

18 So you will have a complete and robust
19 record for the Committee to make a decision.

20 CHMN. STAFFORD: Okay. All right. So did
21 you want to file a separate brief in -- in this case or
22 just the same one for both this and 225?

23 MR. ACKEN: It will probably be the same
24 one. I'm not going to try and consolidate it, I don't
25 think, because that gets messy. But I'll -- I'll probably

1 file it in one and do a me too in the other, is kind of
2 what I'm thinking, given time constraints. Something
3 along that line.

4 CHMN. STAFFORD: Okay. So you intend to
5 file a brief in this docket as well?

6 MR. ACKEN: I do. Again, just to preserve
7 it. I don't want to confuse the issue by suggesting that
8 this case is similar to 222. It has different facts in
9 very critical ways. But I do feel it's important to
10 preserve the legal position (indecipherable).

11 THE COURT REPORTER: I'm sorry, you do feel
12 it's important to preserve the what?

13 MR. ACKEN: The legal arguments regarding
14 the relevance of the material.

15 And my apologies for trailing off on you.

16 CHMN. STAFFORD: So it looks like you'll
17 have your briefs in before September 8th, like the parties
18 will for the 222 matter.

19 MR. ACKEN: Yes. And, again, it's because
20 you're going -- this committee is going to have a full
21 record. Whether you agree with me on the legal argument
22 or not, you're going to have a full, complete record to
23 reach a decision. And so that's -- that's what my sincere
24 hope is that we get to, is a decision on the merits at the
25 end of next week on this one.

1 All I'm doing is preserving arguments just
2 in case things -- I mean, as you well know, things happen.
3 We just want to be on record on it. But it should not
4 affect this case because of our very different facts.

5 CHMN. STAFFORD: Okay. All right. So then
6 all the preparation and arrangements are made for the
7 hearing for the logistics for the Wi-Fi and the AV team?

8 MR. ACKEN: Yep. That's correct. You'll
9 have the -- you will have the Peaks team that certainly
10 are experienced. They know this facility very well. They
11 got their start working at this facility, so they know it
12 well and they know how to, as you know, run a hearing.

13 CHMN. STAFFORD: Okay. And so then we have
14 public comment scheduled for 5:30 on Thursday. You'll
15 have the sign-in forms for that?

16 MR. ACKEN: We will.

17 CHMN. STAFFORD: Okay. Attire for the
18 hearing will be business casual.

19 Now, you filed your witness summaries
20 already?

21 MR. ACKEN: Filed the witness summaries and
22 the proposed CEC. Sent to Tod and Jill those. And we
23 sent the proposed CEC in Word version as well. It's based
24 off of Case 221, which is the last one that went before
25 the Commission. I haven't actually seen the final order

1 from the Commission, but I believe it went before the
2 Commission earlier this month.

3 You will see, we are not proposing material
4 amendments to CEC conditions. Again, this is a
5 straightforward case. There is really -- In our view,
6 there's nothing that warrants anything -- you know,
7 something different from the -- from standard approach to
8 CEC mitigation conditions.

9 CHMN. STAFFORD: Okay. Now, for the
10 exhibits, I don't have a note. I think you typically say
11 what the note -- the numbering convention would be. Do
12 you recall what you said it would be for this?

13 MR. ACKEN: I think the procedural order
14 said SES, you know, the Solar Energy center [sic]. I
15 think we're using SES, unless you prefer something else.

16 CHMN. STAFFORD: That's fine.

17 And then the exhibits, you will have -- they
18 will all be on the tablets for the Committee members and
19 then a hard copy for me and a hard copy for the court
20 reporter?

21 MR. ACKEN: That's correct. And a couple
22 extra hard copies in the room for people that want to look
23 at the hard copies.

24 CHMN. STAFFORD: Okay. And you've made the
25 financial arrangements with the Commission?

1 MR. ACKEN: I have.

2 CHMN. STAFFORD: All right. And the staff
3 letter, is that -- are we expecting them to file prior to
4 the hearing?

5 MR. ACKEN: I am hopeful.

6 Oh, I'm sorry.

7 CHMN. STAFFORD: That's what they indicated
8 in the 225 case, so I'm just clearing that that's the same
9 for this case as well.

10 MR. ACKEN: Yes. The difference in 2 --
11 is -- is, we anticipate receiving the report from
12 K.R. Saline Thursday, and I will give it to ACC staff the
13 same day. So their turnaround time is tight. They are
14 already in possession of the -- of the study in the other
15 matter, so, you know, they -- they had told me that they
16 anticipated getting me that letter earlier this week.
17 This one is going to be a little tighter, but they -- but
18 I have been in close communications with them. They
19 certainly understand my sense of urgency and desire to
20 have a letter from them for the Committee by the time of
21 the hearing. And I will do everything that I can to
22 encourage them to do that.

23 CHMN. STAFFORD: Okay. So they will -- they
24 will get the system impact study on Thursday of this week?
25 Is that what you are saying?

1 MR. ACKEN: Correct. And remember again
2 this is a third-party system impact study --

3 CHMN STAFFORD: Right.

4 MR. ACKEN: -- because we're waiting --
5 we're waiting on APS.

6 CHMN. STAFFORD: All right. I guess we'll
7 ask about what cluster you all are in at the hearing.

8 MR. ACKEN: They are all clusters,
9 Mr. Chairman.

10 CHMN. STAFFORD: Yes, it's definitely a
11 cluster. All right.

12 MR. ACKEN: But we will certainly be
13 prepared to address that question, that we have the
14 latest -- Updates on that, which will come as no surprise
15 to you, our date is slipping on that as well.

16 CHMN. STAFFORD: Uh-huh. All right. So
17 then you have gotten the proposed CEC.

18 Objections.

19 Now, the status of any other permits for the
20 project, this is a Coconino County, so is it the same as
21 225 with both are pending?

22 MR. ACKEN: It's -- It is not pending on the
23 County entitlement process. This project is fully
24 entitled at the County level. So it has all the
25 authorizations it needs.

1 It is also going through final State Land
2 right-of-way, because there's a couple portions of the
3 transmission line that cross the State land, with an
4 anticipated date of I think end of the year, 1st of
5 January. Certainly Ms. Silver will provide testimony to
6 that next week.

7 And then -- But it is in the same situation
8 as 225 as it relates to the status of the NEPA process.
9 And, again, you know, we will present testimony and be
10 prepared to answer questions as the Committee has them.
11 Mr. Brasier in particular has a lot of firsthand
12 experience with these processes and so he will be
13 available should the Committee have questions about it.

14 CHMN. STAFFORD: Okay. So the -- the County
15 has issued a special use permit then; correct?

16 MR. ACKEN: The conditional use permit.

17 CHMN. STAFFORD: Conditional use.

18 MR. ACKEN: And that was '22, I believe.
19 Assigned to Stellar when they acquired this project in
20 August of '22. And, again, Ms. Silver will provide
21 details at the hearing.

22 I see her nodding, so I'm in the general
23 ballpark.

24 CHMN. STAFFORD: Okay. And you said for the
25 State Land Department, they are also -- they are -- that

1 hasn't been applied for yet? What was the status on the
2 State Land Department?

3 MR. ACKEN: No, it has been applied for.
4 And Ms. Silver will testify to that. It's been applied
5 for. Initial meetings have been held. And the initial --
6 and the feedback from State Land is to expect it in six
7 months from the time it was applied for, which was July --
8 1st of July. That's why I said, you know, 1st of
9 January is the current estimated time frame for receipt of
10 the State Land right-of-way.

11 CHMN. STAFFORD: January, you said?

12 MR. ACKEN: Correct.

13 CHMN. STAFFORD: Okay.

14 MR. ACKEN: The only outstanding items will
15 be the system impact study and how that affects the
16 reclamation NEPA process.

17 CHMN. STAFFORD: Okay. So NEPA is waiting
18 on a system impact study from APS?

19 MR. ACKEN: Correct.

20 CHMN. STAFFORD: Okay. All right. Well, I
21 think that's everything I have.

22 Tod, did I miss anything?

23 MR. BREWER: No, Mr. Chairman. Thank you.

24 CHMN. STAFFORD: Okay. All right. Anything
25 further from the applicant?

1 MR. ACKEN: No. Thank you. I appreciate
2 the opportunity to file our thoughts on the jurisdictional
3 question. Again -- I sound like a broken record -- we
4 have different facts. We're going to give you an
5 evidentiary record, and the Committee, to make a decision.
6 I just want to preserve that. So I hope that that doesn't
7 get sidetracked on why we're making that argument. It's
8 just a preservation.

9 And with that, you know, I'd ask the team if
10 I've missed anything or misstated, please speak up now.

11 Seeing heads nod no, so I think -- I think
12 we're all set. Thank you so much, Mr. Chairman.

13 CHMN. STAFFORD: All right. Thank you very
14 much. Appreciate you all coming to the prehearing
15 conference, and we will see you next week.

16 We're adjourned.

17 MS. SILVER: Thank you.

18 MR. ACKEN: Thank you.

19 CHMN. STAFFORD: All right. Thanks.

20 (Whereupon, at 3:19 p.m. the proceedings
21 ended.)

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25

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) ss.
2 COUNTY OF YAVAPAI)

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14 Dated at Prescott, Arizona, this 30th day of August,
15 2023.

Jill Marnell

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