

1 BEFORE THE ARIZONA POWER PLANT LS-325
2 AND TRANSMISSION LINE SITING COMMITTEE

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

10

11 At: Flagstaff, Arizona

12 Date: September 8, 2023

13 Filed: September 13, 2023

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16 REPORTER'S TRANSCRIPT OF PROCEEDINGS
17 VOLUME II
(Pages 142 through 184)

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1 BE IT REMEMBERED that the above-entitled
2 and numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at High Country Conference Center, 1899
5 Ballroom, 307 West DuPont Avenue, Flagstaff, Arizona,
6 commencing at 9:00 a.m. on September 8, 2023.

7

8

9 BEFORE: ADAM STAFFORD, Chairman

10 GABRIELA S. MERCER, Arizona Corporation Commission
11 LEONARD DRAGO, Department of Environmental Quality
12 DAVID FRENCH, Arizona Department of Water Resources
13 R. DAVID KRYDER, Agriculture Interests
14 SCOTT SOMERS, Incorporated Cities and Towns
(Via Videoconference)
15 MARGARET "TOBY" little, PE, General Public
16 COL. JON H. GOLD, General Public

15

16 APPEARANCES:

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

3 Mr. Acken, I believe you have another
4 exhibit to offer before you make your closing.

5 MR. ACKEN: I do. I'm very grateful that
6 we have it. Thank you, Mr. Chairman. We're going to
7 show -- this is SES-10. We're going to -- it's going to
8 be shown on the screen and I'm going to ask a series of
9 questions to Ms. Silver to establish foundation for it.

10 CHMN STAFFORD: All right. Ms. Silver,
11 you're still under oath.

12 (Kelsey Silver was previously duly
13 affirmed by the Chairman.)

14
15 DIRECT EXAMINATION (Cont.)

16 BY MR. ACKEN:

17 Q. Ms. Silver, do you have a copy of the letter
18 which has been marked for identification as SES-10 in
19 front of you?

20 Does she have a copy?

21 MR. HAZLE: She's the only one who doesn't.

22 MR. ACKEN: Sorry about that.

23 MS. SILVER: I do, yes.

24 BY MR. ACKEN:

25 Q. Thank you.

1 And is this a letter, dated September 7, 2023,
2 docketed September 7, 2023, addressed to Chairman
3 Stafford in his role as the chairman of the Line Siting
4 Committee?

5 A. (MS. SILVER) Yes.

6 Q. And -- and if you look at the first two
7 paragraphs, would you agree that this is a letter the
8 Commission Utilities Division provided in response to the
9 Chairman's letter requesting Staff's input on the
10 application before the Committee here today?

11 A. (MS. SILVER) Yes.

12 Q. Next, I'd like you to turn to this -- well,
13 would you agree with me that the bottom of page 1 and top
14 of page 2 provides a summary of the project description?

15 A. (MS. SILVER) Yes.

16 Q. And then I'd like you to take a look at the last
17 paragraph above the conclusions and recommendations, and
18 would you agree that, I'm going to paraphrase this, but
19 Staff requested a copy of a System Impact Study,
20 applicant informed Staff that that System Impact Study
21 was unavailable, but that the applicant commissioned a
22 power flow study which Staff reviewed?

23 A. (MS. SILVER) Yes.

24 Q. And Staff's review or summary of the study
25 states, "The results concluded that some voltage issues

1 were identified, but were attributed to modeling
2 practices and should not require upgrades due to the
3 project."

4 A. (MS. SILVER) Yes.

5 Q. And that is consistent with the testimony of
6 Mr. Foster yesterday --

7 A. (MS. SILVER) Correct.

8 Q. -- correct?

9 And then I would like you to read that first
10 paragraph under "Conclusions and Recommendations" into
11 the record.

12 A. (MS. SILVER) "Based on Staff's review of the
13 application, as well as the applicant's response to a
14 Staff-issued data request, Staff believes the proposed
15 project could improve the reliability, safety of the grid
16 and delivery of" the power -- "of power in Arizona."

17 Q. And the signatories to the letter are Briton
18 Baxter and Ranelle Paladino, division co-directors for
19 the Utility Division, correct?

20 A. (MS. SILVER) Correct.

21 Q. Thank you, Ms. Silver.

22 I would offer the admission of SES-10.

23 CHMN STAFFORD: SES-10 is an admitted.

24 (Exhibit SES-10 was admitted into

25 evidence.)

1 BY MR. ACKEN:

2 Q. I have one final question for Ms. Silver, and
3 you know, that you heard a lot of testimony yesterday
4 both from the applicant team about the project itself and
5 the non-jurisdictional solar and battery project that it
6 will interconnect with, you heard the testimony from SWCA
7 witnesses on the environmental resource analyses they
8 conducted, as well as the testimony from Mr. Foster
9 regarding his reliability studies.

10 So, Ms. Silver, I would like you to provide some
11 concluding comments for the Committee, kind of wrap it
12 up, your thoughts on the application before the
13 Committee?

14 A. (MS. SILVER) Sure.

15 So I wanted to thank everybody for holding this
16 meeting and to come in and to hear about our project. I
17 really enjoyed getting to know everybody. And I hope
18 that we answered all of your questions.

19 We're really excited about this project. We
20 think it's situated in a great area and we have the
21 landowner's support for this, and we think that it could
22 be a project that will improve the reliability and the --
23 send power into Arizona when they most need it. We're
24 taking in account everything that we've heard from --
25 from the Committee on how to improve the project as well,

1 and we -- we think that the project is environmentally
2 friendly or environmentally compatible. It's going to be
3 constructed in accordance to a way that's up to standards
4 and taking in considerations from the -- the Committee.

5 It will also be visually compatible with what is
6 existing in that area currently, as it's going to
7 parallel the existing Moenkopi-to-Cedar Mountain
8 transmission line. And we also heard from Mr. Foster
9 that although we don't have the System Impact Study, we
10 should have -- this project should improve the
11 reliability of the system.

12 And then, again, the landowner is in huge
13 support of this. So I think that this is a great
14 project, and we've been working diligently to pursue all
15 the necessary approvals, and will continue to do so, and
16 hope that we can have great success on this project with
17 your help.

18 So thank you for coming today and yesterday
19 and -- and meeting with us.

20 MR. ACKEN: So thank you,
21 Chairman -- excuse me -- that concludes our direct case.
22 I don't know if you -- I don't know that I can give a
23 better closing than Ms. Silver. There's maybe a couple
24 key points I could touch on or I'm happy to waive that in
25 the interest of time.

1 CHMN STAFFORD: Any further questions from
2 members?

3 (No response.)

4 CHMN STAFFORD: I think we're ready to --

5 MEMBER LITTLE: Mr. Chairman?

6 CHMN STAFFORD: Yes, Member Little.

7 MEMBER LITTLE: I just have one question,
8 and it's more for my curiosity -- to satisfy my curiosity
9 than anything else. I'm wondering if anybody here has
10 any idea when APS will announce the results of their
11 evaluation of the RFP that -- that was responded to day
12 before yesterday by the two applicants this week?

13 MS. SILVER: So we should receive
14 short-list notifications in November, and then at that
15 point it's about negotiating the agreement, and so that
16 will take place, we think, between the November date and
17 April is what they're saying. So we're hoping to have
18 some kind of agreement in place by April, if we end up
19 getting that approved.

20 MEMBER LITTLE: Thank you.

21 CHMN STAFFORD: Anything further from
22 members?

23 (No response.)

24 CHMN STAFFORD: All right. Well, let's
25 pull up the CEC. We'll have the PDF on the left that was

1 proposed by applicant, we'll have that marked as
2 Chairman's-1, and then the Word version that I circulated
3 this morning is Chairman's-2. And if you could line them
4 up so we can see the introduction.

5 MEMBER KRYDER: Mr. Chairman?

6 CHMN STAFFORD: Yes, Member Kryder.

7 MEMBER KRYDER: I have a question for
8 Mr. Acken. In the noted correction up there where
9 Certificate of Environmental Compatibility (Certificate),
10 or CEC, is that a common way to put this, putting an "or"
11 in there, wouldn't -- isn't it normal to have just one
12 and not a possibility of two?

13 MR. ACKEN: Mr. Chairman, Member Kryder,
14 from -- you're looking at it from what are best
15 practices, then yes, I would agree that you would select
16 one or the other.

17 What happens over time is that these
18 conditions are drafted by committee, and so
19 sometimes -- and so they're not precise, right, some of
20 us miss Oxford commas, some of us put the certificate
21 definition in the wrong place. And so I kind of like
22 that reference to "certificate" or "CEC," even though I
23 think I try to use "certificate" throughout, just in case
24 someone else makes a different change in one, because
25 again, these are -- you'll see case after case use the

1 same standard form that was approved by the Committee and
2 the Commission in the most recent case as their template,
3 and then that's how it's done.

4 So I'm comfortable with it. I understand
5 the issue. I would be fine also limiting it to
6 "certificate" and making sure we don't use the term "CEC"
7 undefined here. But that's the thought process, it's
8 not -- it's just not as precise, given how these are
9 drafted in a public forum.

10 CHMN STAFFORD: Yeah, I would also note
11 that the Commission doesn't frequently, in their orders,
12 particularly for rate cases, they'll typically refer to
13 it as, you know, "the Company," "APS," "TEP," and they'll
14 do the "or" frequently for things like that throughout
15 the order, because the orders are 100 pages long.

16 MEMBER KRYDER: I bow to the collective
17 wisdom of the Chairman and the attorney present.

18 MR. ACKEN: Wait, wisdom?

19 MEMBER KRYDER: But it is not a strong
20 argument.

21 CHMN STAFFORD: Can we get a motion?

22 MEMBER KRYDER: Mr. Chairman, I move the
23 acceptance of the introduction, let's see, I guess it
24 would go from line 11, page 1 through line 15, page 2.
25 However, we may -- do we have to strike any of the

1 committee members?

2 CHMN STAFFORD: They're already stricken on
3 the one on the right.

4 MEMBER KRYDER: Okay. I couldn't see that.
5 Okay. I move, then, approval of that section from
6 page 1, line 11, through page 2, line 15.

7 MEMBER GOLD: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

10 CHMN STAFFORD: We will come back and
11 correct the vote count and the grant deny at the
12 conclusion of the vote, so given that, all in favor say
13 "aye."

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, the
18 introduction is adopted.

19 Moving on to the project description.

20 MEMBER LITTLE: Mr. Chairman, I move the
21 project description.

22 MEMBER MERCER: Second.

23 CHMN STAFFORD: Further discussion?

24 MEMBER FRENCH: Mr. Chairman?

25 CHMN STAFFORD: Yes, Member French.

1 MEMBER FRENCH: Would it be appropriate to
2 add the battery energy storage station in the
3 non-jurisdictional portion on line 19?

4 MR. ACKEN: We have that, Mr. Chairman, if
5 I could, and Member French, if I could address that, it
6 is within that definition of Solar Energy Station, both
7 in, I guess, obliquely in the CEC, but most certainly in
8 the CEC application itself where we define the Solar
9 Energy Station to include both the solar and battery
10 components.

11 MEMBER FRENCH: Thank you, Mr. Acken.

12 MEMBER KRYDER: Mr. Acken, is that the CEC
13 or was that the certificate?

14 MR. ACKEN: Fair.

15 CHMN STAFFORD: So we had a motion and a
16 second, correct?

17 MEMBER MERCER: Yes.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, the project
25 description is adopted.

1 On to Conditions.

2 MEMBER KRYDER: Mr. Chairman, I move the
3 approval of Condition Number 1.

4 MEMBER GOLD: Second.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

7 CHMN STAFFORD: All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Condition 1 is adopted.

12 On to Condition 2.

13 MEMBER KRYDER: Mr. Chairman?

14 CHMN STAFFORD: Yes, Member Kryder?

15 MEMBER KRYDER: In line 14, I know that
16 someone has argued that attorneys get paid by the word, I
17 don't believe that; however, I find it a little bit
18 strange to include the word "that" as the fourth word,
19 and would propose to strike that, but I'd like to hear
20 from the attorney and the Chairman about that.

21 MR. ACKEN: Mr. Chairman, Member Kryder, I
22 share your concern about attorneys being paid by the
23 word, I certainly try not to, I try to be brief; you saw,
24 I waived closing. So this is just a -- this again is a
25 vestige of a standard condition, I would be perfectly

1 fine, you know, every once in a while we have someone on
2 a committee, like yourself, who takes a fresh look at
3 these and is, like, can we draft these better? I fully
4 support that to make them cleaner and more concise and
5 more understandable. But that's the reason for it. I'm
6 not wedded to that language at all.

7 MEMBER KRYDER: Thank you very much,
8 Mr. Acken. And, therefore, I guess I have to move
9 approval before I can amend it, right?

10 CHMN STAFFORD: Let's move the Condition 2,
11 and then --

12 MEMBER KRYDER: Okay. I move that
13 Condition 2 be approved.

14 MEMBER LITTLE: Second.

15 CHMN STAFFORD: Further discussion? I
16 believe you'd like to amend Condition 2?

17 MEMBER KRYDER: Mr. Chairman, I propose to
18 remove the word "that" as is now struck out in the
19 right-hand side, line 14, as shown on the screen on the
20 right.

21 And I need a second for that.

22 MEMBER LITTLE: Second.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 MEMBER GOLD: Yes.

1 MEMBER LITTLE: I second that.

2 CHMN STAFFORD: Member Gold?

3 MEMBER GOLD: Well, if you -- for the sake
4 of brevity, why not just get rid of all four words and
5 make it "if the project requires"? I'm just kidding.

6 CHMN STAFFORD: Any further discussion?

7 (No response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 2
13 is amended, can it be moved as amended to adopt it?

14 MEMBER GOLD: So moved.

15 MEMBER MERCER: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

18 CHMN STAFFORD: All in favor say "aye."

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 2
23 as amended is adopted.

24 MEMBER KRYDER: Thank you for that.

25 CHMN STAFFORD: You're welcome.

1 On to Condition 3.

2 MEMBER FRENCH: Move Condition 3.

3 MEMBER DRAGO: Second.

4 CHMN STAFFORD: Further discussion?

5 (No response.)

6 CHMN STAFFORD: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Hearing none, Condition 3

11 is adopted.

12 On to Condition 4.

13 MEMBER FRENCH: Move Condition 4.

14 MEMBER KRYDER: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 4

22 is adopted.

23 On to Condition 5.

24 MEMBER LITTLE: Mr. Chairman, I move

25 Condition 5.

1 MEMBER MERCER: Second.
2 CHMN STAFFORD: Further discussion?
3 (No response.)
4 CHMN STAFFORD: All in favor say "aye."
5 (A chorus of "ayes.")
6 CHMN STAFFORD: Opposed?
7 (No response.)
8 CHMN STAFFORD: Hearing none, Condition 5
9 is adopted.
10 Condition 6.
11 MEMBER MERCER: Mr. Chairman, I move
12 Condition 6.
13 MEMBER LITTLE: Second.
14 CHMN STAFFORD: Further discussion?
15 (No response.)
16 CHMN STAFFORD: All in favor say "aye."
17 (A chorus of "ayes.")
18 CHMN STAFFORD: Opposed?
19 (No response.)
20 CHMN STAFFORD: Hearing none, Condition 6
21 is adopted.
22 Number 7.
23 MEMBER KRYDER: Mr. Chairman, I move
24 approval of Condition 7, and then I wish to comment about
25 it.

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: Further discussion?

3 MEMBER KRYDER: Mr. Chairman, or perhaps
4 this is something for Mr. Acken, don't we define
5 "right-of-way" somewhere earlier in this document as
6 "ROW"?

7 MR. ACKEN: It is certainly a defined term,
8 so we -- if that's how we defined it as "ROW," then yes,
9 that would be a better way to do it, or if we define it
10 with initial caps.

11 MEMBER KRYDER: So with that, what would
12 you suggest, sir?

13 MR. ACKEN: Mr. Hazle's looking to see how
14 we define it right now.

15 CHMN STAFFORD: I'm not seeing a definition
16 prior to this.

17 MR. ACKEN: The reference to the requested
18 right-of-way.

19 CHMN STAFFORD: At the end -- at the end of
20 the paragraph of the project description the final
21 sentence reads, "The final right-of-way width of the
22 transmission line within the project corridor will be
23 250 feet."

24 MR. ACKEN: So I suppose we could define
25 it -- we could make that initial caps there, if you

1 wanted to go back and revise it -- well, hold on, because
2 they've already approved that.

3 CHMN STAFFORD: Well, we wouldn't do
4 it -- well, right-of-way with -- that's an adjective,
5 that's why it's got the hyphens. But no, it's
6 right-of-way, what's -- yeah, the project corridor at the
7 top -- at the top of the -- at the bottom of page, is
8 that 1?

9 MR. ACKEN: Yeah, we defined project
10 corridor, not right-of-way, I would say the right way to
11 do it, would be the final right-of-way strike "with"
12 define -- make it a defined term so everybody knows we're
13 talking about 250 feet in this paragraph, and then be
14 consistent throughout.

15 CHMN STAFFORD: Do we really need to --

16 MEMBER KRYDER: The alternative would be
17 to -- we're talking about Number 7, I believe, to just
18 continue it as spelled out "right-of-way," and get paid
19 an extra \$0.02 for two more words.

20 MR. ACKEN: Maybe that's the easier
21 approach.

22 MEMBER KRYDER: I think that's easier, but
23 it might be something to look at for the future.

24 MR. ACKEN: Will do.

25 CHMN STAFFORD: So we've had a motion and a

1 second for Condition 7?

2 MEMBER KRYDER: Yes, we do. We have it in
3 place.

4 CHMN STAFFORD: All in favor say "aye."
5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?
7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 7
9 is adopted.

10 Condition 8.

11 MEMBER LITTLE: Mr. Chairman, I move
12 Condition 8.

13 MEMBER FRENCH: Second.

14 CHMN STAFFORD: Further discussion?
15 (No response.)

16 CHMN STAFFORD: All in favor say "aye."
17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?
19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 8
21 is adopted.

22 Number 9.

23 MEMBER MERCER: Mr. Chairman, I move
24 Condition 9.

25 MEMBER GOLD: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

3 CHMN STAFFORD: All in favor say "aye."

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 9

8 is adopted.

9 Number 10.

10 MEMBER LITTLE: Mr. Chairman, I move

11 Condition 10.

12 MEMBER DRAGO: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 10

20 is adopted.

21 Number 11.

22 MEMBER KRYDER: Mr. Chairman, I move

23 approval of Condition Number 11.

24 MEMBER GOLD: Second.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

2 CHMN STAFFORD: All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 11
7 is adopted.

8 Number 12.

9 MEMBER MERCER: Mr. Chairman, I move
10 Condition 12.

11 MEMBER GOLD: Second.

12 CHMN STAFFORD: Further discussion? Looks
13 to me we could potentially remove the comma after
14 "County." I guess that could be a scrivener's error to
15 be rectified later.

16 MEMBER MERCER: Yes. Agreed.

17 MEMBER KRYDER: I tried that yesterday with
18 Mr. Hazle, and I think we found that it was the
19 justification capability of Microsoft Word that was that
20 extra space in.

21 CHMN STAFFORD: All right. So we have a
22 motion and a second for Condition 12?

23 MEMBER MERCER: Yes.

24 CHMN STAFFORD: All in favor say "aye."

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?
2 (No response.)
3 CHMN STAFFORD: Hearing none, Condition 12
4 is adopted.
5 Number 13.
6 MEMBER LITTLE: Mr. Chairman, I move
7 Condition 13.
8 MEMBER MERCER: Second.
9 CHMN STAFFORD: Further discussion?
10 (No response.)
11 CHMN STAFFORD: All in favor say "aye."
12 (A chorus of "ayes.")
13 CHMN STAFFORD: Opposed?
14 (No response.)
15 CHMN STAFFORD: Hearing none, Condition 13
16 is adopted.
17 Number 14.
18 MEMBER FRENCH: Move Condition 14.
19 MEMBER GOLD: Second.
20 CHMN STAFFORD: Further discussion?
21 (No response.)
22 CHMN STAFFORD: All in favor say "aye."
23 (A chorus of "ayes.")
24 CHMN STAFFORD: Opposed?
25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 14
2 is adopted.

3 Number 15.

4 MEMBER LITTLE: Mr. Chairman, I move
5 Condition 15.

6 MEMBER FRENCH: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say "aye."
10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 15
14 is adopted.

15 Number 16.

16 MEMBER LITTLE: Mr. Chairman, I move
17 Condition 16.

18 MEMBER GOLD: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 CHMN STAFFORD: All in favor say "aye."
22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 16

1 is adopted.

2 Number 17.

3 MEMBER MERCER: Mr. Chairman, I move
4 Condition Number 17.

5 MEMBER FRENCH: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 17

13 is adopted.

14 Number 18.

15 MEMBER KRYDER: Mr. Chairman, I move
16 approval of Condition Number 18.

17 MEMBER GOLD: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, Condition 18

25 is adopted.

1 Number 19.

2 MEMBER KRYDER: Mr. Chairman, I move
3 approval of Condition 19.

4 MEMBER GOLD: Second.

5 CHMN STAFFORD: Further discussion?

6 MEMBER KRYDER: Mr. Chairman?

7 CHMN STAFFORD: Yes, Member Kryder.

8 MEMBER KRYDER: Just a question, that
9 December 1, 2024, perhaps a question to Ms. Silver, does
10 that still fit within the parameters of -- the parameters
11 of the completion of the project? Will you be able to
12 have anything to write on December 21 [sic], 2024, do you
13 think?

14 MS. SILVER: By that time we're hoping to
15 get some more NEPA studies in, and we're to be conducting
16 that and we may have some more updates on the System
17 Impact Study. And so with that we could update this, but
18 we're not going to be starting construction at that
19 point.

20 MEMBER KRYDER: Okay. So this would
21 be -- so you would at least have something to report,
22 even if that something is relatively small?

23 MS. SILVER: Correct.

24 CHMN STAFFORD: Member Kryder, they're
25 required to file an update annually, even if there's

1 nothing to report just to say what progress has or has
2 not been made in compliance with each of the conditions.

3 MEMBER KRYDER: I was -- I should have been
4 aware of that and was not. Thank you very much.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

7 CHMN STAFFORD: All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Condition 19
12 is adopted.

13 Number 20.

14 MEMBER GOLD: I move Condition 20.

15 MEMBER MERCER: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

18 CHMN STAFFORD: All in favor say "aye."

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 20
23 is adopted.

24 21.

25 MEMBER KRYDER: Mr. Chairman, I move

1 approval of Condition 21.

2 MEMBER GOLD: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say "aye."

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 21
10 is adopted.

11 Number 22.

12 MEMBER LITTLE: Mr. Chairman, I move
13 Condition 22.

14 MEMBER DRAGO: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 22
22 is adopted.

23 23.

24 MEMBER MERCER: Mr. Chairman, I move
25 Condition Number 23.

1 MEMBER KRYDER: I would second that.

2 CHMN STAFFORD: Further discussion?

3 (No response.)

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 23

9 is adopted.

10 On to the Findings of Fact and Conclusions
11 of Law.

12 MEMBER KRYDER: Mr. Chairman, I move
13 approval of Condition Number 1 -- Finding of Facts and
14 Conclusion of Law.

15 MEMBER GOLD: Second.

16 CHMN STAFFORD: Further discussion?

17 MEMBER LITTLE: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member Little.

19 MEMBER LITTLE: I would just like to
20 mention for the record something that has concerned me
21 about the Findings of Fact in these CECs. The language
22 that we have heard from the experts upon whom we rely for
23 this information use the word "could." These CECs make a
24 flat statement that the project does aid the state. And
25 I have a little bit of concern about that.

1 I don't know that I have enough concern
2 about it, particularly since it goes before the
3 Commission before it becomes a CEC, but I just wanted to
4 mention that. So I'm not going to make a proposal that
5 we change that at this time, I just wanted to go on the
6 record as mentioning that.

7 CHMN STAFFORD: Thank you, Member Little.
8 Further discussion?

9 (No response.)

10 CHMN STAFFORD: All in favor say "aye."

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, Finding of
15 Fact and Conclusion of Law Number 1 is adopted.

16 Number 2.

17 MEMBER KRYDER: Mr. Chairman, I propose the
18 approval of Condition -- or, I'm sorry, of Finding of
19 Fact and Conditions of Law Number 2.

20 MEMBER MERCER: "Conclusion."

21 MEMBER GOLD: Second.

22 MEMBER KRYDER: Finding of Facts and
23 Conclusions of Law Number 2.

24 CHMN STAFFORD: Thank you.

25 Further discussion?

1 MEMBER LITTLE: Ditto.

2 CHMN STAFFORD: All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Finding of

7 Fact and Conclusion of Law Number 2 is adopted.

8 Number 3.

9 MEMBER LITTLE: Mr. Chairman, I move
10 Finding of Fact and Condition [sic] of Law Number 3.

11 MEMBER FRENCH: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

14 CHMN STAFFORD: All in favor say "aye."

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, Finding of

19 Fact and Conclusion of Law Number 3 is adopted.

20 Number 4.

21 MEMBER MERCER: Mr. Chairman, I move
22 Finding of Fact and Conclusion of Law Number 4.

23 MEMBER KRYDER: Second.

24 CHMN STAFFORD: Further discussion?

25 MEMBER GOLD: Question?

1 CHMN STAFFORD: Yes, Member Gold.

2 MEMBER GOLD: Did I miss the part where it
3 says that at the conclusion of the life of this project,
4 everything will be put back to the way it was beforehand?

5 MEMBER KRYDER: That's Condition 18 or
6 something, isn't it?

7 CHMN STAFFORD: Mr. Gold -- Member Gold,
8 I'm not entirely clear on what you're asking, could
9 you --

10 MEMBER GOLD: Question, the project has a
11 lifespan -- a lifespan, and at the end of the lifespan,
12 what are we doing with the material changes we have added
13 to the environment? Did I miss the part where it says
14 we'll put it back to the way it was before we started the
15 project? Is that supposed to be there? I'm not sure;
16 I'm new to this.

17 MR. ACKEN: Mr. Chairman, Member Gold, it
18 is not something that we typically cover because the
19 lifecycle of these projects is so long, and I think
20 there's been testimony in other cases that the lifecycle
21 for original contracting may be 30 years, but they have a
22 life long beyond that.

23 But we did not put in this case testimony
24 on lifecycle decommissioning; it's not my standard
25 practice to do so, but with that, I would be happy to

1 have the Committee -- the panel --

2 CHMN STAFFORD: Typically, aren't these
3 things handled -- it's up to the -- if you buy -- if you
4 purchase the land, then you could leave it as it is. The
5 state trust land, I think it's a lease and a requirement
6 of that lease is, I think, is to return it to where you
7 got it. But it's going to be between -- up to the
8 landowner.

9 MR. ACKEN: And if I could supplement that,
10 the Chairman is absolutely correct on state land, you
11 have decommissioning obligations for the facilities on
12 state land, and then whatever agreement you have with
13 your private landowner, and then, thirdly, as it relates
14 to the, you know, the generating facilities,
15 decommissioning is always addressed in the County
16 entitlement process, so that's where that is addressed.

17 MEMBER GOLD: Okay. So this is actually
18 covered, then?

19 MR. ACKEN: It is.

20 MEMBER GOLD. Thank you.

21 MR. ACKEN: Just not necessarily here, but
22 it is covered.

23 CHMN STAFFORD: It's not an explicit
24 condition, but it is covered by compliance with the
25 County and State Land.

1 MR. ACKEN: Fair. And that's correct.

2 MEMBER GOLD: Then my question has been
3 answered, and I yield to the voting.

4 CHMN STAFFORD: Thank you.

5 All in favor say "aye."

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, I believe we
10 were -- this is Finding of Fact and Conclusion of Law
11 Number 4 that we just approved?

12 MEMBER MERCER: Yes.

13 CHMN STAFFORD: Okay. Thank you.
14 Number 5.

15 MEMBER FRENCH: Move Finding 5.

16 MEMBER GOLD: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

19 CHMN STAFFORD: All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, Finding of
24 Fact and Conclusion of Law Number 5 is adopted.

25 Number 6.

1 MEMBER GOLD: I move Number 6.
2 MEMBER KRYDER: Second.
3 CHMN STAFFORD: Further discussion?
4 (No response.)
5 CHMN STAFFORD: All in favor say "aye."
6 (A chorus of "ayes.")
7 CHMN STAFFORD: Opposed?
8 (No response.)
9 CHMN STAFFORD: Hearing none, Finding of
10 Fact and Conclusion of Law Number 6 is adopted.
11 Number 7.
12 MEMBER LITTLE: Mr. Chairman, I move
13 Finding Number 7.
14 MEMBER MERCER: Second.
15 CHMN STAFFORD: Further discussion?
16 (No response.)
17 CHMN STAFFORD: All in favor say "aye."
18 (A chorus of "ayes.")
19 CHMN STAFFORD: Opposed?
20 (No response.)
21 CHMN STAFFORD: Hearing none, Finding of
22 Fact and Conclusion of Law Number 7 is adopted.
23 On to Exhibit A.
24 MEMBER LITTLE: Mr. Chairman, I move
25 Exhibit A.

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: Further discussion?

3 (No response.)

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Exhibit A is

9 adopted.

10 MEMBER KRYDER: You need to get the right

11 to --

12 CHMN STAFFORD: Yes, if I can -- I would

13 entertain a motion to allow the chair to correct any

14 scrivener's errors upon completion of the vote for this

15 certificate or CEC.

16 MEMBER KRYDER: Mr. Chairman, I so move.

17 MEMBER GOLD: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, the motion

25 passes.

1 Now if we get a motion to adopt the CEC in
2 its entirety.

3 MEMBER KRYDER: Mr. Chairman, I move the
4 adoption of the certificate or CEC in its entirety.

5 MEMBER GOLD: Second.

6 CHMN STAFFORD: Further discussion?

7 Member Little?

8 MEMBER LITTLE: Mr. Chairman, I would like
9 to thank the teams that presented here today, the -- our
10 court reporter who so graciously keeps up with us and
11 also the AV team for presenting in such a concise way and
12 making the hearing very pleasant for all of us.

13 I also really appreciate siting the
14 transmission line adjacent to existing lines, and
15 particularly appreciate utilizing capacity -- excess
16 capacity on the transmission lines that are being
17 off-loaded by the retirement of the coal plants. And
18 with that, I vote aye.

19 CHMN STAFFORD: Member Drago?

20 MEMBER DRAGO: I vote aye.

21 CHMN STAFFORD: Member French?

22 MEMBER FRENCH: I vote aye.

23 CHMN STAFFORD: Member Kryder?

24 MEMBER KRYDER: Aye.

25 CHMN STAFFORD: Member Mercer?

1 MEMBER MERCER: I vote aye.

2 CHMN STAFFORD: Member Gold?

3 MEMBER GOLD: I vote aye.

4 CHMN STAFFORD: Member Somers?

5 (No response.)

6 AUDIOVISUAL TECHNICIAN: There's nobody on.

7 CHMN STAFFORD: Oh, I'm sorry, Member

8 Somers is not here.

9 And I vote aye. By a vote of 7-0, CEC-224
10 is approved.

11 Thank you, Mr. Acken. Thank you to the
12 applicant. And with that -- oh, we've already passed the
13 motion for make scrivener's errors?

14 MEMBER KRYDER: Yes.

15 CHMN STAFFORD: Any further comments from
16 the members?

17 (No response.)

18 CHMN STAFFORD: With that, well,
19 congratulations, you have your CEC; go forth and build.

20 MR. ACKEN: If I could, I want to thank
21 you, Chairman, for your stewardship of this hearing.
22 Committee Members, I want to thank you for your attention
23 and great questions that were four days; that's a grind,
24 in two cases, so thank you very much.

25 I want to echo what Member Little said as

1 well, thank you, Robin, particularly with respect to
2 virtual witnesses, that's a challenge. And Grace and her
3 team always do such an excellent job, so thank you.

4 And really appreciate the attention and the
5 questioning, and I think it makes for a better -- a great
6 process. I've always loved this process, and I think it
7 makes for better projects as well. So thank you so much.

8 MEMBER KRYDER: Mr. Chairman?

9 CHMN STAFFORD: Yes, Member Kryder.

10 MEMBER KRYDER: I would like to thank the
11 AV team. I know their names, a couple of them, and their
12 company, but they've done a spectacular job here, I
13 thought, and have in the past and all week. There was
14 one glitch, though, that I would remark, and I'm not sure
15 on whose desk this should lie, and that was the witness
16 who testified by Zoom yesterday was almost impossible for
17 the court recorder [sic], and I know for an old man with
18 hearing aids like me, whatever can be done, I have no
19 knowledge -- not enough knowledge about audiovisual
20 equipment to know what could be done, but that was not
21 acceptable.

22 Thank you, Mr. Chairman.

23 CHMN STAFFORD: Thank you, Member Kryder.

24 I agree with you; that was difficult to hear.

25 MR. ACKEN: Appreciate and duly noted, and

1 it's not the responsibility of the AV team in this room,
2 I can promise you that.

3 CHMN STAFFORD: It's fortunate we had him
4 in person for the prior hearing the day before.

5 All right. With that, we are adjourned,
6 thank you.

7 (The hearing concluded at 9:45 a.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

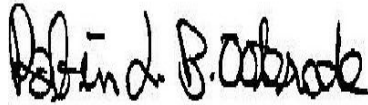
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4 BE IT KNOWN that the foregoing proceedings were
5 taken before me; that the foregoing pages are a full,
6 true, and accurate record of the proceedings all done to
7 the best of my skill and ability; that the proceedings
8 were taken down by me in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

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

13 I CERTIFY that I have complied with the ethical
14 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
15 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this
16 12th day of September, 2023.

17



ROBIN L. B. OSTERODE, RPR
CA CSR No. 7750
AZ CR No. 50695

18

* * * * *

19 I CERTIFY that Glennie Reporting Services, LLC,
20 has complied with the ethical obligations set forth in
21 ACJA 7-206(J)(1)(g)(1) through (6).

22



GLENNIE REPORTING SERVICES, LLC
Registered Reporting Firm
Arizona RRF No. R1035

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