

1 BEFORE THE ARIZONA POWER PLANT LS 315  
2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE ) DOCKET NO.  
4 APPLICATION ) L-21254A-23-0184-00222  
5 OF AURORA SOLAR LLC IN )  
6 CONFORMANCE WITH THE )  
7 REQUIREMENTS OF ARIZONA ) LS CASE NO. 222  
8 REVISED STATUTES §§ 40-360, ET )  
9 SEQ., FOR A CERTIFICATE OF )  
10 ENVIRONMENTAL COMPATIBILITY )  
11 AUTHORIZING THE OBED MEADOW )  
12 230-KV GENERATION TIE-LINE )  
13 PROJECT, WHICH INCLUDES THE )  
14 CONSTRUCTION OF A SUBSTATION )  
AND GENERATION TIE-LINE )  
ORIGINATING APPROXIMATELY 2.4 )  
MILES SOUTHWEST OF THE APS )  
CHOLLA SUBSTATION ON PRIVATE )  
LAND UNDER THE JURISDICTION OF )  
NAVAJO COUNTY, ARIZONA, AND )  
TERMINATING IN THE APS CHOLLA )  
SUBSTATION IN NAVAJO COUNTY, ) EVIDENTIARY HEARING  
ARIZONA. )  
\_\_\_\_\_ )

15 At: Flagstaff, Arizona  
16 Date: August 8, 2023  
17 Filed: August 14, 2023

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19 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
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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 Little America Hotel, 2515 East Butler  
5 Avenue, Flagstaff, Arizona, commencing at 9:00 a.m. on  
6 August 8, 2023.

7

8 BEFORE: ADAM STAFFORD, Chairman

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

20

21 APPEARANCES:

22 For the Applicant:

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

3 Mr. Crockett, I believe you still were  
4 questioning your witness panel.

5 MR. CROCKETT: Yes, thank you. Good  
6 morning, Chairman Stafford, members of the committee. We  
7 had wrapped up yesterday afternoon with Mr. Pohs and his  
8 discussion of the biological resources in the area of the  
9 project. So we're going to move now to visual resources,  
10 and turn back to Mr. Miner for this.

11

12 DIRECT EXAMINATION (Cont.)

13 BY MR. CROCKETT:

14 Q. Good morning, Mr. Miner.

15 A. (MR. MINER) Good morning.

16 Q. Would you please discuss TetraTech's findings  
17 regarding visual resources. As detailed in application  
18 Exhibit E and G?

19 A. (MR. MINER) Certainly. TetraTech completed a  
20 visual resource study to identify and characterize the  
21 existing scenery, the scenic quality, and to identify  
22 sensitive viewers within the study area. This  
23 was -- this analysis was completed in order to identify  
24 the level of visual modification in the landscape that  
25 would result from the construction and operation of the

1 project. The existing scenery within the study area can  
2 be generally described as rural, with large tracts of  
3 undeveloped land, consisting of open range utilized for  
4 cattle grazing.

5 The primary vegetation community is described as  
6 desert salt shrubland, the viewshed is dominated by  
7 existing transmission line and the Cholla Power Plant. I  
8 believe our -- the showing of our virtual tour that we  
9 provided yesterday did a fairly good job of illustrating  
10 the scenery of the landscape, the topography, the lack of  
11 geologic structures or anything like that within the  
12 viewshed.

13 We categorized the study area as having five  
14 distinctive scenic quality units, they're shown here on  
15 Figure E-1. Shown on this figure would be the Little  
16 Colorado River floodplain, identified in red. The  
17 dissected plateau areas within the study area are  
18 identified in green. The salt desert shrubland areas are  
19 shown in brown. Those are the scenic quality units that  
20 the project area crosses or the most predominant scenic  
21 quality unit that the project crosses. Developed lands  
22 are shown in purple. And there are a few areas of  
23 grasslands that are shown -- or meadowlands that are  
24 shown in blue.

25 Go to the next slide.



1           Within the study area, or as part of our  
2 analysis, we wanted to identify potential sensitive  
3 viewers. The sensitive viewer types that are located  
4 within the study area would include a few residential  
5 areas, recreational users and travel route viewers.  
6 There are two rural residences within 1 mile of the  
7 project, and I'll identify those on the screen in just a  
8 few minutes. They are identified on Figure E-2. The  
9 closest residence, as we've discussed previously, is  
10 0.64 miles south of the project. And the next nearest  
11 residence is 0.98 miles north of the project.

12           The Cholla Power Plant and much of the existing  
13 transmission line infrastructure traversing the study  
14 area is visible from these identified residences. I'll  
15 take a moment to identify those on the screen.

16           Okay. As we discussed earlier, the nearest  
17 residence is indicated by this blue dot. I apologize,  
18 it's kind of difficult to see. That is south of our  
19 project area, about 0.64 miles. As we noted earlier, the  
20 existing transmission lines, 500-kV and 345-kV lines,  
21 occur between that residence and our proposed project.  
22 The next nearest residence is located right here, and  
23 that is 0.98 miles from the Cholla Power Plant and the  
24 terminus of our project.

25           Q. Mr. Miner, did TetraTech prepare visual

1 simulations of the project area?

2 A. (MR. MINER) Yes, we did.

3 Q. How did you select the areas that you picked for  
4 the visual simulations?

5 A. (MR. MINER) Yeah, certainly. So to identify or  
6 to represent potential sensitive viewers or the viewshed  
7 of those viewers and how the project would interface with  
8 that viewshed, we looked at publicly accessible areas  
9 near our project. We are limited in that the project  
10 crosses only one public road, that's the Obed Road. So  
11 we do have KOPs that illustrate the views from Obed Road,  
12 views that are representative from our nearest residence.  
13 And we have views from travel route viewers along  
14 Interstate 40.

15 And our other sensitive resource or potential  
16 sensitive visual resource was the Joseph City Cemetery,  
17 and I'll indicate where that is on this map. And we  
18 prepared a visual simulation from the parking lot of that  
19 cemetery. It's shown on this map. And, again, it's hard  
20 without a pointer. Let me do a laser pointer. It's  
21 indicated on this map by KOP 3, which is this orange dot  
22 here. And they show up a little more clearly on this  
23 screen, excuse me, I don't know what happened there. I  
24 accidentally advanced the slide, but we can move on.

25 The five KOPs, the Key Observation Points, that

1 we prepared for the project are shown on this figure. I  
2 will highlight once again. KOP 1, located south of the  
3 project, is representative of our nearest residence,  
4 which is located just to the east of our KOP. This KOP  
5 was developed viewing in a northeast direction.

6 KOP 2 is located along Obed Road, just north of  
7 our project. This was the KOP and visual simulation that  
8 was shared within the virtual tour. KOP 3 -- we'll skip  
9 over KOP 5 -- but KOP 3 is from the Joseph City Cemetery.  
10 And I'll mention that we did collect photographs from an  
11 additional KOP, KOP 4. They were to be representative of  
12 Interstate 40 travelers, but we chose not to develop the  
13 simulation or share the simulation that was developed,  
14 because it does not show the project due to the Cholla  
15 Substation blocking the view from KOP 4, so we are not  
16 sharing that or presenting that in our materials.

17 KOP 5 is, once again, located along Obed Road.  
18 It's an overview looking in an easterly or southeasterly  
19 direction towards the project. It is visually  
20 representative of the travel route viewer along Obed Road  
21 or potentially a recreational user jogging or cycling  
22 along Obed Road, and shares the visual viewshed  
23 overlooking the Little Colorado River floodplain. I'll  
24 mention again our KOP 6 was developed along the frontage  
25 road, and we chose not to develop that simulation because

1 the view is also blocked, and did not identify the  
2 project very well. And KOP 7 that we did develop is a  
3 travel route viewer simulation from Interstate 40.

4 Q. So, Mr. Miner, would you please describe for the  
5 committee what they will be seeing in these visual  
6 simulations, and then please go ahead and share the  
7 simulations?

8 A. (MR. MINER) Yeah, certainly. So if I can turn  
9 your attention to the left-hand screen here. KOP 1, and  
10 this will remain consistent, the visual or the image on  
11 the left-hand side is the existing condition. The image  
12 on the right-hand side of the screen is the simulated  
13 condition. Thank you, Keith. That's okay.

14 And we'll just walk through these. From the  
15 existing condition photograph, you can see representative  
16 what the vegetation is like typically out there, you can  
17 see the topography. I think we have the existing  
18 transmission lines, those are the 345-kV lines, a  
19 distribution line, and the Cholla Power Plant in the  
20 background.

21 Now, in the simulated condition, our nearest  
22 structure is over 3,500 feet away from this viewpoint.  
23 And, again, this viewpoint is representative of our  
24 nearest residence. And it's very difficult to discern,  
25 but our project does enter the -- the simulated project

1 enters the image here. You can slightly make out a  
2 monopole structure here, at which it turns north and  
3 heads directly into the Cholla Substation.

4 The visual impacts from this location, we've  
5 determined, would be low due to the existing  
6 infrastructure and the dominance of the existing  
7 infrastructure, and our project would be subordinate to  
8 those -- to those other infrastructure pieces. And we'll  
9 move over to KOP 2.

10 KOP 2, as we discussed, is just north of Obed  
11 Road or just north of the project's crossing of Obed  
12 Road. We've seen this image before; the simulated image  
13 was provided in our virtual tour. This is our nearest  
14 viewpoint to the project. The project would be visible  
15 to travel route viewers or recreational users along Obed  
16 Road near the crossing, we could consider that being a  
17 prominent feature in the landscape. However, the  
18 structures would be consistent with other transmission  
19 line infrastructure in the area, which would result in  
20 more or less a moderate degree of contrast. The visual  
21 impacts to Obed Road travelers are generally expected to  
22 be low, given the numerous other transmission lines in  
23 the area.

24 Q. And, Mr. Miner, if I could just jump in?

25 A. (MR. MINER) Yes.

1 Q. Do you have a sense for how -- how much activity  
2 there is on Obed Road in terms of travel activity? I  
3 know Mr. Pohs has been out there as well, what's the --  
4 is this a heavily traveled road, a lightly traveled road,  
5 what can you tell us about that?

6 A. (MR. MINER) Yeah, certainly. It's a lightly  
7 traveled road. It is more or less a connector to the  
8 McLaws Road, which is about two miles south of our  
9 project. The McLaws Road is a County road that connects  
10 to Holbrook. There are a few scattered residences along  
11 McLaws Road. The distance to Holbrook is about 10 miles,  
12 9-point-something miles to Holbrook. Traffic along the  
13 road, as Mr. Pohs could testify to when he was out there  
14 for about half a day installing signs, you mentioned, I  
15 believe, six or -- five or six vehicles passed you in  
16 that half a day's time; is that correct?

17 MR. POHS: Yeah, I saw perhaps 5 to 10  
18 vehicles over many hours, two to three hours out there.  
19 Not heavily traveled. And there was actually two  
20 bicyclists both days I was out there that were recreating  
21 along there.

22 CHMN STAFFORD: What time of day was it?  
23 I'm assuming it was in the morning.

24 MR. POHS: Yeah, well, one afternoon and  
25 one morning.

1 CHMN STAFFORD: And you saw about the same  
2 level of traffic both times?

3 MR. POHS: Yeah, I mean, you could go  
4 20 minutes or half hour without seeing any vehicles.

5 CHMN STAFFORD: Thank you.

6 MEMBER LITTLE: Mr. Chairman?

7 CHMN STAFFORD: Member Little.

8 MEMBER LITTLE: This is the pole that is  
9 not going to look like that, it's going to be the wire --  
10 the circuit strung across, as opposed to vertically?

11 MR. MINER: Yes, that's correct. It's  
12 going to be a horizontal alignment of the lines  
13 themselves on a monopole structure, that's correct.

14 CHMN STAFFORD: It will be like, you said,  
15 like, 90 feet above the road, as opposed to the 27, which  
16 is the minimum required clearance?

17 MR. MINER: That is correct, yes.

18 MR. CHAIRMAN: Thank you.

19 MEMBER KRYDER: Mr. Chairman?

20 CHMN STAFFORD: Yes, Member Krader --  
21 Member Kryder.

22 MEMBER KRYDER: Are there -- are there  
23 cattle grazing here?

24 MR. MINER: Chairman Stafford, Member  
25 Kryder, yes, there are cattle on both sides of the road.

1 MEMBER KRYDER: Okay. And that's part of  
2 the tenant that we spoke about yesterday, the red dot on  
3 the -- okay, they are his cattle, this whole area is  
4 under lease to him for grazing; is that correct?

5 MR. MINER: That is correct.

6 MR. HOFFBUHR: That is correct. And they  
7 have about six cattle, six head of cow -- or cattle per  
8 square mile, that's about all the land can support.

9 MEMBER KRYDER: Okay, that's -- thank you  
10 very much. That's appreciated.

11 MR. MINER: We'll move on to KOP 3. This  
12 KOP was -- the photographs you're looking at here are  
13 from the Joseph City Cemetery parking area. The views of  
14 the project, I'll try to highlight. It's very difficult  
15 to discern, but the project does enter along the existing  
16 infrastructure and make its way into the Cholla  
17 Substation. I'd like to point out that we chose this  
18 view from the parking area, because views from the  
19 cemetery itself are screened by existing trees and  
20 vegetation surrounding the cemetery.

21 As you can see in the images, the Cholla  
22 Power Plant and the other infrastructure is readily  
23 visible. We would determine the visual impacts to  
24 visitors would be expected as negligible, just due to the  
25 distance, it's over 6,600 feet to the project from this



1 location, and that the project would blend into the  
2 background with all of the existing infrastructure.

3 MEMBER FRENCH: Mr. Chairman?

4 CHMN STAFFORD: Yes, Member French.

5 MEMBER FRENCH: So these modeled structures  
6 that you have on this image, are those applicable to  
7 CEC-1 or CEC-2 or both?

8 MR. MINER: In this case we'd be mostly  
9 looking at CEC-2 in -- into the substation. We simulated  
10 a straight line distance from the property line into the  
11 substation, as if it were to be aligned in that manner.

12 MEMBER FRENCH: Great. Thank you.

13 MR. MINER: We'll move on to KOP 5. This  
14 visual simulation was prepared as an overlook of the  
15 Little Colorado River floodplain as we view towards the  
16 east towards the Cholla Substation. The project does  
17 enter into the simulated -- the simulated image. And,  
18 again, it's very difficult to discern, just due to the  
19 distance.

20 Our project does show up in the simulated  
21 image, and, again, I apologize, I know it's very  
22 difficult to discern, but there is a simulated image in  
23 there. The distance to our nearest structure is over  
24 5,500 feet, and due to that distance it is very difficult  
25 to discern the project. We would determine the visual

1 impacts to travelers along Obed Road and potential  
2 recreational users of Obed Road to be negligible. That  
3 would be primarily due to the distance and the prominence  
4 of the Cholla Power Plant, and that the project more or  
5 less blends into the background with the existing  
6 infrastructure.

7 We'll move on to KOP 7, which is our final  
8 visual simulation. This viewpoint was taken from the  
9 edge of roadway of Interstate 40, primarily on the  
10 on-ramp intersection, with Interstate 40. It would be  
11 characteristic or representative of a travel route viewer  
12 along I-40, which has fairly excessive speeds, as we're  
13 all aware. Viewing the, you know, viewing from I-40  
14 towards the project, our project is slightly visible,  
15 again, it's very difficult to discern due to the  
16 distance. We're over 6,100 feet from the project at this  
17 point, but our project does enter from the right-hand  
18 side of the slide, and make its way into the Cholla  
19 Substation.

20 Visible in the existing condition image is  
21 the existing 230-kV APS line and some distribution lines.  
22 From this viewpoint, we would classify the visual impacts  
23 or we would expect the visual impacts to travel route  
24 viewers to be negligible due to the distance to the  
25 project.

1 BY MR. CROCKETT:

2 Q. Mr. Miner, what conclusions have you been able  
3 to draw with regard to the visual impacts of the Obed  
4 Meadow project?

5 A. (MR. MINER) Yes, I'll just read from the slide.  
6 The project would be similar in form, line, color, and  
7 texture, compared with other transmission line  
8 infrastructure in the project's vicinity, which would  
9 result in low impacts to scenery and to the viewshed.  
10 Impacts to sensitive viewers, such as the nearest  
11 residences, public gathering areas, or recreational users  
12 would be low to negligible, due to existing  
13 infrastructure in the project's vicinity, the distance to  
14 the project structures from residences in public  
15 gathering and recreational areas, and the dominance of  
16 the Cholla Power Plant within viewshed. The project  
17 would be compatible with visual resources in the region.

18 MR. CROCKETT: Thank you. We are -- we are  
19 finished with the visual aspects of the project, and so  
20 we're going to move on next to cultural resources, unless  
21 there's any questions on this piece?

22 Q. Okay. All right. So back to Mr. Pohns for this  
23 part. Mr. Pohns, would you please describe TetraTech's  
24 findings regarding cultural resources, as detailed in the  
25 application Exhibit E and Exhibit B, Appendix B-2?

1 A. (MR. POHS) Sure. Our team's archaeologists led  
2 by Dr. Deb Huntley completed an inventory of previously  
3 identified historical sites, structures, or  
4 archaeological sites within the project's research area,  
5 which encompasses the substation and gen-tie line project  
6 area, plus a 1-mile buffer, the black dashed line in that  
7 figure. The inventory was completed by consulting the  
8 following: Arizona State Museum, AZSITE records, the  
9 National Register of Historic Places, General Land Office  
10 plat maps, aerial photography, and USGS historical  
11 topographic maps.

12 In addition to this data records inventory, a  
13 Class III inventory and pedestrian field survey was  
14 conducted October 27th to 29th in 2021, for the project  
15 area up to the APS property line. The pedestrian survey  
16 consisted of 15-meter interval transects throughout the  
17 project area. No cultural resources or sites were  
18 identified during the surveys. A survey report summary  
19 form identifying the negative survey result was filed  
20 with the State Historic Preservation Office. A copy of  
21 the Class III survey report summary form is provided in  
22 the CEC application as Appendix B-2.

23 Q. And, Mr. Pohs, could I just ask you, a -- is a  
24 negative survey result a good thing when you're talking  
25 about cultural resources?

1 A. (MR. POHS) Yes. It's implying no potential  
2 impacts. There's nothing to impact, correct.

3 Q. Okay.

4 A. (MR. POHS) The AZSITE records review identified  
5 that five previous investigations have been conducted  
6 within the research area. From these prior  
7 investigations, there are three historic cultural  
8 resource sites within the research area, of which one  
9 crosses the project area. So, again, the research area  
10 is the black dashed line, the project area is the actual  
11 corridor.

12 The three historic sites are the Hashknife Range  
13 Cattle Ranch, which the project crosses. The other two  
14 historic sites are the remains of Obed Fort and the NE-1  
15 Cholla-Keams Canyon transmission line. The Hashknife  
16 Range Cattle Ranch was recorded in 1961, with a  
17 recommendation for additional information until a formal  
18 recommendation could be made on its eligibility for the  
19 National Register of Historic Places.

20 The Arizona State Museum indicates that the  
21 boundary for this site is approximate and appears to have  
22 been based on archival research. The Obed Fort served as  
23 one of the earliest Mormon settlements in the Little  
24 Colorado River Valley, and for some time was the original  
25 headquarters for the Hashknife Range Cattle Ranch. The

1 Fort was subjected to limited testing in 1995 for the  
2 Arizona Archaeological Society, and was recommended  
3 eligible for listing in the National Register.

4 Lastly, the historic NE-1 Cholla-Keams Canyon  
5 transmission line has been recommended eligible for  
6 listing in the National Register. There are three known  
7 prehistoric archaeological sites in the research area,  
8 none of which cross the project area. One site is a  
9 lithic quarry that has been recommended eligible for  
10 listing in the National Register. The second site is an  
11 artifact scatter that has been recommended eligible for  
12 listing in the National Register. The third site is  
13 described as a rock shelter and artifact scatter. This  
14 site has a museum and Northern Arizona number and has not  
15 been evaluated for listing in the National Register.

16 In addition to our data records inventory and  
17 Class III inventory, TetraTech consulted with the Arizona  
18 State Historic Preservation Office through submittal of  
19 the Class III survey report summary form and provided a  
20 courtesy review copy of the project's CEC application via  
21 e-mail. The State Historic Preservation Office has  
22 confirmed receipt of the CEC application, as represented  
23 in OM-18.

24 Q. Okay. Mr. Pohs, is Exhibit OM-18 a true and  
25 correct copy of that letter from the State Historic

1 Preservation Office?

2 A. (MR. POHS) Yes, it is.

3 Q. What conclusions regarding the project's  
4 compatibility with cultural resources have you drawn?

5 A. (MR. POHS) The available records indicate that  
6 there is unlikely to be any direct or indirect effects on  
7 known cultural resources as a result of the project's  
8 construction or operation. Our review of the project's  
9 potential effects, both direct and indirect, on historic  
10 or archaeological sites identified that the only  
11 potential direct effect to an area that could be  
12 categorized as an historic site structure or  
13 archaeological site is the historic Hashknife Range  
14 Cattle Ranch. However, the Class III inventory concluded  
15 there was no evidence of the site that remains today, and  
16 no confirmation of the exact location of the site, as the  
17 initial listing was based solely on archival research.

18 Therefore, our findings conclude that the  
19 project would not directly affect this historic site,  
20 which has an undetermined eligibility for listing on the  
21 National Register. The remaining two historic sites and  
22 three archaeological sites are outside the area of direct  
23 effects for the project. To ensure that additional  
24 potential historic properties would not be impacted, the  
25 applicant will complete a Class III cultural resources

1 inventory for the portion of the project on APS-owned  
2 property.

3           The results of the additional survey will  
4 be provided to the State Historic Preservation Office  
5 through continued coordination and consultation. If any  
6 historic properties are encountered, the inventory will  
7 provide recommendations on how to mitigate any adverse  
8 effects on these historic properties. Again, TetraTech's  
9 findings are that the project is not expected to directly  
10 or indirectly affect known historic sites, structures, or  
11 archaeological sites.

12           Q.    Okay. Thank you, Mr. Pohs.

13           CHMN STAFFORD: Excuse me, I have a  
14 follow-up question on Exhibit OM-18. So the response  
15 from SHPO was just that they received the CEC  
16 application, they didn't comment on anything but the  
17 surveys or --

18           MR. CROCKETT: Chairman Stafford, that's my  
19 understanding, but let me ask Mr. Pohs to respond to  
20 that.

21           MR. POHS: Actually, I might defer to  
22 Mr. Miner on that.

23           MR. CROCKETT: Mr. Miner?

24           MR. MINER: Chairman Stafford, yes, that is  
25 correct, the OM -- OM-18, let me make sure I get the



1 exhibit number correct, yes, OM-18 is a copy of the  
2 e-mail correspondence with SHPO confirming receipt of the  
3 CEC application. Within that e-mail we provided links to  
4 the application via the docket, as well as our website.  
5 The survey report summary form, we have no continued  
6 coordination or response from SHPO on the submittal of  
7 that.

8 CHMN STAFFORD: All right. So there's no  
9 follow-up from them; they don't have any other concerns?

10 MR. MINER: There has not been any other  
11 follow-up other than they've received the CEC  
12 application. We will continue to coordinate with them.  
13 And we do, once we have the alignment established on the  
14 APS property, we are conducting additional Class III  
15 pedestrian surveys, and we will be filing that with the  
16 SHPO.

17 CHMN STAFFORD: Okay. And let me just make  
18 sure I heard this correctly. You're going to be doing  
19 that on the APS-owned property inside the sub- -- well, I  
20 guess the substation's a smaller subset of that property  
21 that's highlighted, because APS currently owns all that  
22 land.

23 MR. MINER: That's correct. So in areas of  
24 disturbance, so the physical facility site, I don't  
25 believe there would be any need for a Class III

1 inventory, but the areas outside of the facility fence  
2 that are also -- that are still on APS property within  
3 our -- would not necessarily be an easement, but within  
4 the direct area of effect of the project once the  
5 alignment is determined, those will -- Class III surveys  
6 will be conducted.

7 CHMN STAFFORD: Okay. All right. I just  
8 wanted to make sure I was clear on that. All right.  
9 Thanks.

10 MR. HADLEY: And, Chairman Stafford, just  
11 to elaborate, from speaking with Dr. Deb Huntley of  
12 TetraTech, the lack of response or follow-up coordination  
13 from the SHPO is fairly typical for projects that have  
14 negative results, given bandwidth. If they have a  
15 problem, they would then follow up, so that's pretty  
16 standard.

17 CHMN STAFFORD: Okay. So for SHPO, no news  
18 is good news?

19 MR. HADLEY: That's our understanding, yes,  
20 sir.

21 CHMN STAFFORD: All right. Okay. Thank  
22 you.

23 MEMBER LITTLE: Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: On the final cultural

1 resources inventory that was done by TetraTech, there is,  
2 on the last page -- last page that has anything written  
3 on it, there's some management recommendations, including  
4 placing a 50-foot buffer around OM-09 and OM-25. Maybe I  
5 missed it, but I didn't hear you mention that in your  
6 recommendations.

7 MR. MINER: Chairman Stafford, Member  
8 Little, that is from the survey report that was conducted  
9 for the solar facility that also included the gen-tie,  
10 and the pre-recorded sites that were identified within  
11 the solar facility are what are being referenced there  
12 and they're not in relation --

13 MEMBER LITTLE: I see.

14 MR. MINER: -- to the gen-tie project.

15 MEMBER LITTLE: I see. Okay. Thank you.

16 CHMN STAFFORD: Member Kryder, you had a  
17 question?

18 MEMBER KRYDER: Oh, I'm sorry. Never mind.

19 MEMBER RICHINS: Chairman?

20 CHMN STAFFORD: Yes.

21 MEMBER RICHINS: Can you confirm for the  
22 record, I think you said seven consulting tribes that you  
23 sent notices to and the timing of those notices? I  
24 believe also the record stated that you had one receipt  
25 back.

1 MR. MINER: Yes, Member Richins, give me  
2 one second. There were eight tribes. Would you like me  
3 to list the tribes?

4 MEMBER RICHINS: Yes, yeah, let's get that  
5 into the record.

6 MR. MINER: If you give me one moment,  
7 please.

8 MEMBER RICHINS: Sure.

9 CHMN STAFFORD: And the response is OM-19  
10 from the White Mountain Apache Tribe, that's the only  
11 response that I've seen in the exhibits.

12 MR. MINER: That is correct. That is the  
13 only response that we've received.

14 MR. CROCKETT: And, Mr. Miner, are you  
15 looking at the application, OM-1?

16 MR. MINER: Well, I was hoping to get back  
17 to my notes --

18 MR. CROCKETT: Okay.

19 MR. MINER: -- but I can certainly look at  
20 the application, yes.

21 CHMN STAFFORD: I assume the hope was that  
22 your notes are easier to follow than the application  
23 itself?

24 MR. MINER: That or sliding back to the  
25 slide, yes.

1 MEMBER RICHINS: Just given the  
2 sensitivities on this issue in the state, I think it's  
3 just important we create a record verbally as part of the  
4 transcript of the tribes that you reached out to.

5 The only tribes I saw -- tribe I saw  
6 missing was the Zuni Pueblo, which is actually not that  
7 far from the project. So my follow-up will be how did  
8 you select your consulting tribes?

9 MR. MINER: Member Richins, I'm going to  
10 have to navigate back to that slide, could I get back to  
11 that to answer that question?

12 MEMBER RICHINS: Yeah, that's fine. I  
13 believe you guys said you mailed letters June 23rd, was  
14 it?

15 MR. MINER: I want to make sure I get the  
16 date right.

17 MEMBER RICHINS: Yeah. So I think the last  
18 question that we'll need answered as you navigate that  
19 is, one, how did you select your consulting tribes; two,  
20 expected time frames. I know the tribes work on slower  
21 time frames than we might expect outside of, you know, in  
22 typical industry timelines, and so I just want to create  
23 space for tribes to be able to respond in some way if  
24 they choose to still.

25 Typically, the Hopi will take 90 to

1 120 days to respond to things, and so -- so they -- and  
2 they may have nothing to say, I mean, it's a pretty  
3 barren area, but I just don't know how we handle that  
4 from a line siting hearing standpoint if something comes  
5 in after the hearing, so just want to flag that issue.

6 MR. MINER: Yeah, certainly.

7 Clay, would it be possible to navigate back  
8 to slide 55?

9 And the mailing did occur on June 19th,  
10 2023, that is correct.

11 55, please, Clay.

12 MEMBER RICHINS: 55, I think he said. Oh,  
13 there you go.

14 MR. MINER: Thank you very much, Clay.

15 As shown on our tribal outreach slide, we  
16 did provide informational mailings to the Kaibab Band of  
17 the Paiute, the Navajo Nation, the Paiute Tribe of Utah,  
18 the San Carlos Apache Tribe, the White Mountain Apache  
19 Tribe, the Hopi Tribe, Las Vegas Tribe of the Paiute, and  
20 the Moapa Band of the Paiute.

21 And I can state that Dr. Deb Huntley helped  
22 in preparation of identifying these tribes as potentially  
23 having an interest in the geographic area of the project.

24 MEMBER RICHINS: Okay. Thank you. So --  
25 so what's the reasonable time frame to expect a response

1 from June 19th, do you think we're early August now, it's  
2 only two months?

3 MR. MINER: We did not prescribe a 30-day  
4 deadline, or anything like that, in our correspondence  
5 with the tribes. We simply requested that they provide  
6 comment or feedback on the project should they wish to do  
7 so.

8 I would say standard practice is that  
9 30-day review period, understanding that tribes can delay  
10 that or postpone that. Our project lifecycle will  
11 continue for many, many months, and the opportunity for  
12 them to provide comment via e-mail, website, or direct  
13 letter will always remain open.

14 MEMBER RICHINS: Wonderful. Thank you. I  
15 appreciate that on the record.

16 CHMN STAFFORD: Member Richins, what was  
17 the tribe that you asked about?

18 MEMBER RICHINS: Zuni Pueblo. They're just  
19 over the border in New Mexico. I know that they have  
20 historic ties into Arizona, but they coordinate a lot of  
21 that with the Hopi Tribe, so you might be -- you might  
22 have it covered with just having the Hopi Tribe. I think  
23 this is much closer to Hopi, so you'll probably be  
24 okay there, but I'd always -- maybe ask your Dr. Huntley,  
25 if -- if the Zuni Pueblo might need a touch base.

1 MR. MINER: Will do. Thank you.

2 MR. POHS: I would add that Dr. Deb Huntley  
3 has referred consistently to a certain website regarding  
4 Section 106 consultation under the National Historic  
5 Preservation Act. It actually is sort of researched as  
6 to what tribes may be interested in a particular project  
7 by location. And she's referred me to that to compile  
8 that initial list, so I imagine that may be where this  
9 came from, but I'm not entirely sure.

10 MEMBER RICHINS: Perfect. Thank you. I  
11 appreciate you getting that on the record.

12 MEMBER LITTLE: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Little.

14 MEMBER LITTLE: I'm looking at a map that  
15 is Appendix A to the results of the pre-field records  
16 search. It doesn't have a page number or a number, it's  
17 just got a big pink blotch in the middle of it, if that  
18 helps you to find it.

19 CHMN STAFFORD: That's in the application?

20 MEMBER LITTLE: Yes.

21 CHMN STAFFORD: Okay.

22 MEMBER LITTLE: And it has an area that is  
23 indicated as a cultural resource avoidance area. And it  
24 does overlap the project -- the proposed project  
25 somewhat. I'm curious about it.



1 MR. MINER: Yes, Chairman Stafford, Member  
2 Little, that is the historic Hashknife Cattle Ranch that  
3 we discussed in the -- in the presentation.

4 MEMBER LITTLE: That's why it is -- I mean,  
5 it's a big -- it's a big area.

6 MR. MINER: It is a big area. It is  
7 identified through archival research, the -- it was  
8 identified, I believe, back in 1961, I believe, or '65,  
9 1965. It was the boundary of which is approximate, and  
10 was determined through archival research.

11 MEMBER LITTLE: Okay. Thank you.

12 MR. MINER: And our Class III pedestrian  
13 survey was not able to confirm any presence existing of  
14 that cattle ranch.

15 MEMBER LITTLE: Yeah, I'm aware of that. I  
16 just wasn't sure why the area extended down when your  
17 conclusion was that there was nothing that needed to be  
18 worried about.

19 MR. MINER: Yeah.

20 MEMBER LITTLE: Thank you.

21 MR. CROCKETT: And if I could --

22 MEMBER KRYDER: Mr. Chairman?

23 CHMN STAFFORD: Member Kryder.

24 MEMBER KRYDER: Just to add a bit to that  
25 historically, which you people have probably found, the

1 Hashknife is so big, it was a slightly over a million  
2 acres stretched from Northwestern New Mexico all the way  
3 past Flag, and was owned by a corporate group in New  
4 York. And, anyway, it's a big, long story, if you're  
5 interested there's some lovely stories on the Internet  
6 about it. It was eventually bought by the Babbitt  
7 brothers, that we all know of, here in Arizona.

8           When the Hashknife went out in 1897 I  
9 believe the year was, they moved from the location that  
10 you're looking at, Toby, to Holbrook in about 1875 or  
11 thereabouts, and that's the reason there's nothing left  
12 in the site of your gen-tie line, other than some  
13 historic stuff that was found in, what, 19 -- or 2012 or  
14 sometime quite recently, they found the remnants of where  
15 the old bunkhouse had been and some things, but there's  
16 nothing really left there to see is my understanding.  
17 Thank you very much. It's an ag thing.

18           MR. MINER: Thank you, Member Kryder.

19           MR. CROCKETT: That's great history.

20           I wanted to just follow up quickly with  
21 either, probably Mr. Pohs, but maybe Mr. Miner.

22           Q. Mr. Pohs, you testified that you performed a  
23 Class III inventory and a pedestrian field survey was  
24 conducted on October 27 through 29, 2021, it indicated  
25 the pedestrian survey consisted of 15-meter interval

1 transects throughout the project area.

2 Would you just describe in a little more detail  
3 what that means, specifically, on the ground?

4 A. (MR. POHS) Sure. Yeah, you're walking in -- in  
5 kind of direct line and observing 15 meters at a time, so  
6 7 1/2 on either side to make sure you can actually see  
7 potential historic artifacts and such, and you're just  
8 going back and forth throughout the project area, project  
9 corridor --

10 Q. And --

11 A. (MR. POHS) -- to ensure -- to ensure you see any  
12 potential cultural resources.

13 Q. Okay. And, to confirm, your pedestrian survey  
14 did not disclose any cultural resources?

15 A. (MR. POHS) There was no findings, correct.

16 Q. Okay. All right. Thank you for that.

17 MEMBER KRYDER: Mr. Chairman?

18 CHMN STAFFORD: Member Kryder.

19 MEMBER KRYDER: "Historic" is defined as  
20 what?

21 MR. POHS: I believe it's greater than  
22 50 years old, according to the National --

23 MEMBER KRYDER: Thank you very much.

24 MR. POHS: Yes.

25 MR. CROCKETT: That would make me historic.

1 MEMBER KRYDER: It's the famous Coke bottle  
2 in Africa.

3 MR. CROCKETT: Yeah, right. Okay. Thank  
4 you.

5 Q. Well, so let's talk for a few minutes now about  
6 recreational purposes and aspects. We're going to return  
7 to Mr. Miner for this.

8 Mr. Miner, would you please describe TetraTech's  
9 findings regarding recreational -- recreational resources  
10 as detailed in application Exhibit F?

11 A. (MR. MINER) Certainly. As provided in earlier  
12 testimony, the project is located on private land with no  
13 public access. There are no existing developed or  
14 planned recreational areas or facilities in the study  
15 area. The nearest designated recreational area,  
16 according to the Navajo County Character Areas Map is  
17 approximately 25 miles southwest of the project, near  
18 Clay Springs.

19 Though there are no designated or formal  
20 recreational areas near the project, we do recognize  
21 there is an opportunity for the public to recreate along  
22 Obed Road, such as walking, running, or cycling. There  
23 may also be recreational opportunities, such as walking  
24 or hiking along the Little Colorado River, although  
25 access to the river itself is restricted by private

1 property. The project would not prohibit or interfere  
2 with any of these recreational activities.

3 Q. Mr. Miner, what do you conclude regarding the  
4 project's compatibility with recreational resources?

5 A. (MR. MINER) The project is not expected to  
6 directly or indirectly impact existing or planned  
7 recreational opportunities. Therefore, our finding is  
8 that the project would be compatible with available  
9 recreational resources and activities in the region.

10 Q. Okay. We're going to move on next to noise and  
11 interference studies, and I think, again, that's you,  
12 Mr. Miner.

13 Would you please describe the existing noise  
14 emissions within the study area?

15 A. (MR. MINER) Yes. As described within Exhibit I  
16 of the application, existing noise within the project  
17 vicinity is typical of rural areas, which is recorded in  
18 the literature as between 30 and 60 decibels. This is  
19 equivalent to quiet suburban nighttime on the low end of  
20 the decibel, and commercial areas on the higher end.

21 According to the American Association of State  
22 Highway and Transportation Officials, typical sound  
23 levels in rural areas range from 50 to 60 decibels for  
24 daytime hours. Noise-producing activities or sources of  
25 noise within the study area include traffic along

1 Interstate 40 and local roads, such as Obed Road, noise  
2 emissions from the existing Cholla Power Plant and the  
3 existing transmission lines. There could also be noise  
4 emitted from cattle grazing operations and from  
5 residential and commercial development within Joseph  
6 City, which is north of the project.

7 Noise emission sources typical of the project  
8 area would include vehicles traveling along Obed Road,  
9 agricultural equipment utilized for cattle grazing, and  
10 some existing noise from the existing transmission lines  
11 when in close proximity to the lines themselves.

12 Q. Would you please describe the anticipated noise  
13 levels associated with construction of the substation and  
14 gen-tie?

15 A. (MR. MINER) Yes. It is expected that some noise  
16 will be emitted from construction activities; however,  
17 noise from construction would be temporary. Furthermore,  
18 because there are a limited number of residences within a  
19 1-mile distance of the project, the nearest residence  
20 being approximately 0.64 miles away, and because  
21 construction would occur during daytime hours when  
22 tolerance to noise is generally higher, noise impacts  
23 associated with construction of the proposed gen-tie  
24 facilities are expected to be temporary and minor.

25 Q. What would be the level of noise emissions

1 associated with operation of the gen-tie?

2 A. (MR. MINER) There would be some audible noise  
3 emitted by the proposed facilities, which is primarily  
4 due to what is known as "the corona effect," and I'll  
5 discuss that briefly. The corona effect is a result of  
6 electric and magnetic fields creating a small electric  
7 discharge that ionizes air close to the conductor. This  
8 physical manifestation can transform and discharge energy  
9 into very small amounts of sound.

10 Several factors can affect a conductor's corona  
11 performance, factors such as the condition of the  
12 conductor, dust, and surface irregularities, along with  
13 precipitation and humid weather, which is relatively  
14 atypical within the project area. Transmission line  
15 audible noise is best described as a humming sound.  
16 Corona on transmission lines have been studied since the  
17 early part of last century. Historical measurements  
18 along transmission corridors in an open desert  
19 environment have shown ambient audible noise levels in  
20 the range of 43 to 52 decibels, which is consistent with  
21 the typical ambient noise of a rural area.

22 Therefore, the audible noise levels from corona  
23 are considered low for the project and is usually not a  
24 design issue for power lines rated at 230-kV and lower.

25 Q. Mr. Miner, what do you conclude regarding the

1 project's compatibility with noise-sensitive receptors?

2 A. (MR. MINER) As previously -- as identified in  
3 previous testimony, the nearest residence and, therefore,  
4 the nearest noise-sensitive receptor is located  
5 approximately 0.6 miles south of the project. It is  
6 shown in the figure on slide 122 as the yellow star  
7 adjacent to the 500-kV transmission lines. We have noted  
8 in our testimony the existence of the 345-kV lines as  
9 well, between the project and the residence. Therefore,  
10 our findings are that the project is not expected to  
11 impact noise-sensitive receptors.

12 Q. Mr. Miner, would you describe the potential for  
13 the project to interfere with communication signals?

14 A. (MR. MINER) Certainly. As described in Exhibit  
15 I, there are five radio stations within listening range  
16 of Joseph City. Two of those radio stations are FM  
17 frequencies; three are AM stations. There are six  
18 Internet and two satellite television providers that are  
19 available to residents of Joseph City. As described in  
20 Exhibit I, overhead transmission lines do not, as a  
21 general rule, interfere with normal radio or television  
22 reception. There are two potential sources of  
23 interference: The corona effect, which we discussed  
24 previously, and gap discharges. Gap discharges are most  
25 commonly caused by loose hardware and are easily remedied



1 through routine maintenance.

2           The planned regular maintenance of the proposed  
3 facilities would minimize potential interference caused  
4 by gap discharges. Corona-generated radio interference  
5 is most likely to affect the AM broadcast stations. FM  
6 radio stations are at a higher frequency and are rarely  
7 affected. The project anticipates little to no FM radio  
8 interference from the project, and we recognize that AM  
9 receivers or AM radios that are tuned to a station and  
10 are located very near our proposed transmission line may  
11 have the potential to be affected due to the radio  
12 interference.

13           An example of this type of interference is the  
14 humming noise on an AM radio that happens when a radio is  
15 near a power line, but then diminishes as that radio  
16 moves away from the line. As described in my testimony  
17 and by others, there are several existing transmission  
18 lines in the immediate vicinity of the proposed gen-tie,  
19 including the two 345-kV and two 500-kV transmission  
20 lines between the project and the nearest residence.

21           To my knowledge, there have been no known  
22 concerns raised by this residence about the existing  
23 infrastructure, nor about the proposed facility in terms  
24 of interference.

25           Q. Mr. Miner, please state your conclusion

1 regarding whether the project would result in  
2 interference of television, radio, cellular, or microwave  
3 communication signals?

4 A. (MR. MINER) The construction and operation of  
5 the project would not cause more than minor interference  
6 with AM radio communication signals that are near the  
7 project site, if any. AM receivers located very near to  
8 the transmission lines do have the potential to be  
9 affected by radio interference, but these effects would  
10 be no greater than those caused by the existing higher  
11 voltage infrastructure in the area.

12 Satellite transmission signals are much higher  
13 frequency than transmission line frequencies and are not  
14 affected by transmission lines. Cable television service  
15 is likely -- is likewise unaffected. Specific instances  
16 of broadcast television reception interference are nearly  
17 always related to the spark gap discharge due to loose,  
18 worn, or defective hardware, which would be remedied by  
19 regular maintenance of the proposed facilities.

20 Therefore, no significant impacts to television  
21 communication signals are anticipated as a result of  
22 constructing or operating the project. Cellular phone  
23 antenna and microwave receivers are commonly mounted on  
24 transmission structures to take advantage of the height  
25 afforded by the structures, which demonstrates the

1 transmission lines do not interfere with cellular phone  
2 tower operations or microwave communication paths.

3 Therefore, no significant impacts to cellular or  
4 microwave communication signals are anticipated as a  
5 result of constructing or operating the project.

6 Q. And, Mr. Miner, would you please state your  
7 conclusion regarding whether the project would result in  
8 excessive noise or the interference of communication  
9 signals?

10 A. (MR. MINER) Yes. For the prior discussed  
11 reasons, the construction and operation of the project  
12 would not result in significant noise impacts and is not  
13 anticipated -- I'm sorry -- would not result in  
14 significant noise impacts or signal interference and is  
15 not anticipated for residents or areas of public  
16 congregation.

17 CHMN STAFFORD: Member Kryder, you had a  
18 question?

19 MEMBER KRYDER: Yes, sir. Mr. Miner, I  
20 appreciate all of this background with regard to noise.  
21 I would -- and I heard you say, correct me if I'm wrong,  
22 the corona and the gap are the two areas that we're  
23 concerned about. And the corona, let's set that aside  
24 for a minute and talk about the gap. You said that that  
25 can be controlled by, if it occurred, controlled by

1 regular maintenance. That's always a big issue.

2 How does the applicant know that they've  
3 got a gap issue and how -- I mean, these are 70 feet off  
4 the ground, so it's not like walking out with a  
5 stepladder. How is the maintenance done so the -- to  
6 focus the question a bit more tightly, how would the  
7 applicant know they had a problem and then how would that  
8 be remedied?

9 MR. MINER: Yes, Chairman Stafford, Member  
10 Kryder, I'd like to defer to Trey.

11 MR. HADLEY: Sure. Chairman Stafford,  
12 Member Kryder, so I would say in that two-part question  
13 from the gap discharge concern, as we kind of tried to  
14 lay out, during construction and operation of the project  
15 we'll always be available to take concerns from the  
16 general public. So I think, for the most part, if there  
17 was a gap discharge concern impacting some of the members  
18 of the public, we would be open to hearing those  
19 concerns.

20 And then to how would we address them  
21 through regular maintenance, typically for transmission  
22 line structures, we would rent or, you know, somehow  
23 obtain a cable truck to then lift up to the height to be  
24 able to maintain and do any type of work to the  
25 structures if they did need that maintenance activity.

1 MEMBER KRYDER: Thank you very much. So  
2 what I heard was, on the remedy part, obviously the  
3 applicant knows he or she's got a problem, the  
4 institution knows it's got a problem, so they get the  
5 boom truck out and solve it, okay, I get that. It  
6 sounded, though, as though the applicant wouldn't know  
7 there was a problem until I called it in if I was a  
8 resident in the area and said, "Hey, you guys are  
9 snapping my radio," or is there some -- is there some  
10 facility for something other than responding to a  
11 complaint?

12 MR. HADLEY: Chairman Stafford, Member  
13 Kryder, so I think it would depend, and we can try to  
14 reach out to others, if need be. I think if there were  
15 something going with the facility that, and I'm not sure  
16 what the threshold is for there to be gap discharge issue  
17 compared to how it would impact the overall viability and  
18 operation and ultimate feeding of electricity through the  
19 line, but if there -- if it were to reach that threshold  
20 and we did notice a difference in our production or a  
21 difference in transmission of electricity, then we would  
22 address that beforehand. And maybe I'm just not as  
23 familiar enough with gap discharge to understand where  
24 that threshold would be.

25 MR. HOFFBUHR: I can just add a little bit.

1 I mean, from the gap discharge, from the information  
2 provided by Justin is mostly a result of lack of  
3 maintenance, it seems. And we, obviously, do regularly  
4 scheduled inspections of all of our facilities and -- and  
5 are looking to avoid any of those loose wire, loose, you  
6 know, anything type of things. So it's all preventative  
7 maintenance, you know, that would probably occur on the  
8 project. So hopefully we never get to the point where a  
9 landowner is reaching out and saying there's a problem  
10 through preventative maintenance.

11 MEMBER GOLD: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Gold.

13 MEMBER GOLD: Question, is the line a  
14 continuous line for the 2 1/2 miles or is it pieces of  
15 line that are segmented together that would cause gaps?

16 MR. HADLEY: Chairman Stafford, Col. Gold,  
17 so I think, to our understanding, we can confirm, but I  
18 think for shorter lines the -- or I think in lines in  
19 general the intention is to have as much of a continuous  
20 line as possible. So I think the ultimate decision would  
21 come down to final procurement, design, and the  
22 construction. But our goal is to have as much continuous  
23 wire as possible, especially depending on the engineering  
24 designs and the amount of turns, et cetera.

25 CHMN STAFFORD: But Aurora will be

1 responsible for maintaining the line for CEC section --  
2 the first section, A-1, whatever we want to call it,  
3 you'll be responsible for maintaining that section of the  
4 line, and APS will be responsible for maintaining the  
5 second section that will be done on their property,  
6 correct?

7 MR. HADLEY: Chairman Stafford, that is our  
8 understanding as of right now, but as we've tried to  
9 communicate for the CEC-2 portion, if APS preferred that  
10 we were to be more involved or if, you know, we needed to  
11 come to some form of mutual agreement, we would be open  
12 to assisting with CEC-2 portion as well.

13 CHMN STAFFORD: So I guess that will come  
14 down to when you transfer the CE -- that section -- that  
15 CEC to APS or you hold it, because then I guess whoever  
16 has that, possession of that, would be responsible for  
17 the maintenance, then?

18 MR. HADLEY: Chairman Stafford, that would  
19 be correct.

20 CHMN STAFFORD: Okay. All right. Just  
21 wanted to clarify that. Thank you.

22 MEMBER FONTES: Mr. Chairman, I do have a  
23 question.

24 CHMN STAFFORD: Member Fontes, please.

25 MEMBER FONTES: Most LGIAs have a NERC

1 compliance CIP, and that's North America Electrical  
2 Liability Corporation Cyber Construction Protocol. These  
3 lines are all controlled by Stata, typically. On this  
4 gen-tie line, because you've got two applications here, I  
5 presume that APS is going to have the CIP responsibility  
6 for the -- the CEC-2, but how are you guys going to  
7 address the CEC-1? Because, unlike my colleagues, I  
8 actually have gone through this and have had a gap fault;  
9 it's usually detectable by Stata, I'm just wondering,  
10 though, if -- who has the operational control of that  
11 because the way you've got it structured.

12 Is APS -- are you just going to subcontract  
13 that O&M and the Stata to them on this -- on the gen-tie?  
14 It would be easier that way, but I don't know, what's the  
15 plan?

16 MR. HOFFBUHR: I'll try to answer that, if  
17 I can. I think it really depends on the project and  
18 APS's requirements or desires in that case. We have  
19 several projects around the country where utility will  
20 take full ownership of a gen-tie. We have others where  
21 there's an established point of change of ownership along  
22 the line, but, you know, we have our own National Control  
23 Center Stata systems, obviously, and -- and can -- can  
24 take care and detect anything like that. So it really --  
25 the specific answer to your question, I think, will



1 depend on how APS wants to move forward.

2 MEMBER FONTES: And ultimately your offtake  
3 on track?

4 MR. HOFFBUHR: That's right.

5 MEMBER FONTES: Yeah. So I think, then, my  
6 understanding of the electric utility systems, it will  
7 all be addressed under that PPA, and that all these  
8 concerns that my fellow members have addressed will be  
9 addressed in that contractual structure. So thank you.  
10 I appreciate that.

11 CHMN STAFFORD: And the project is in APS's  
12 balancing area, correct?

13 MR. HOFFBUHR: Yes, it is.

14 CHMN STAFFORD: Okay.

15 MEMBER MERCER: Mr. Chairman?

16 CHMN STAFFORD: Yes, Member Mercer.

17 MEMBER MERCER: So we kind of opened a can  
18 of worms here with the corona discharge, the only thing  
19 that you mentioned was noise, I was just -- Wikipedia --  
20 it says power -- electric power transmission where it  
21 causes problems -- undesirable problems are power loss,  
22 audible noise, which you mentioned, electronic  
23 interference -- electromagnetic interference, purple  
24 glow, ozone production, insulation damage, and possible  
25 distress in animals that are sensitive to ultraviolet

1 light.

2 So you -- whenever you're doing -- checking  
3 into this power lines, are you looking for all of these  
4 other issues or just the noise?

5 MR. MINER: Chairman Stafford, Member  
6 Mercer, we were just discussing the noise interference or  
7 the noise impacts to the -- or potential noise impacts  
8 for the project. The corona effect, as I mentioned, has  
9 been studied a lot along transmission lines, and I would  
10 say the interference whether that be noise or to any  
11 other sensitive resource would all be captured under the  
12 same level of scrutiny or the same level of detection.  
13 And if that were to become a problem, whether it be from  
14 the noise aspects or from an interference aspect, that  
15 would be captured and addressed with -- or addressed  
16 by -- through maintenance.

17 MEMBER MERCER: Okay. Thank you.

18 MR. CROCKETT: And, Chairman Stafford, if I  
19 could just briefly respond to this group of questions,  
20 there is a provision, and that is a standard provision,  
21 in Certificates of Environmental Compatibility. It's  
22 included in this one as well, it's condition or  
23 requirement number 9, and I'll just read it, it's not  
24 very long. It states, "The applicant shall make every"  
25 effort, "every reasonable effort to promptly investigate,

1 identify, and correct on a case-specific basis all  
2 complaints of interference with radio or television  
3 signals from the operation of the project addressed in  
4 this certificate, and where such interference is caused  
5 by the project, take reasonable measures to mitigate such  
6 interference. The applicant shall maintain a written  
7 record for a period of five years of all complaints of  
8 radio and television interference attributable to  
9 operations, together with the corrective action taken in  
10 response to each complaint. All complaints shall be  
11 recorded to include notation on the corrective action  
12 taken. Complaints not leading to a specific action or  
13 for which there was no resolution shall be noted and  
14 explained. Upon request, the written record shall be  
15 provided to the Staff of the Commission. The applicant  
16 shall respond to complaints and implement appropriate  
17 mitigation measures. In addition, the project shall be  
18 evaluated on a regular basis, so that damaged insulators  
19 or other line materials that could cause interference are  
20 repaired or replaced in a timely manner."

21 So we, as you -- as you know, we will make,  
22 while construction is underway, we will make compliance  
23 filings with the Commission, but this condition continues  
24 on and so there will be a record of any of these  
25 complaints received and the correction -- corrective

1 action taken. And as you've also heard, there will be  
2 regular maintenance of this gen-tie line, whether it be  
3 entirely by Aurora Solar or a combination of Aurora Solar  
4 and APS, it will be -- it will be maintained and properly  
5 operated.

6 MEMBER MERCER: Uh-huh. Yeah, my --  
7 Mr. Chairman, my concern was that the only thing that was  
8 mentioned was the noise. And, obviously, a human being  
9 can complain about noise, but an animal cannot complain  
10 about some -- something that they have no control over.

11 MR. CROCKETT: Sure. And, Chairman  
12 Stafford, Member Mercer, what I would say to that, I  
13 guess, is this area, as you have seen, is highly  
14 developed with utility infrastructure, and I don't know  
15 what the incremental addition of this project would be to  
16 the footprint in that area of noise emissions and signal  
17 interference, but we certainly will -- we will follow  
18 the -- really the state-of-the-art construction standards  
19 for gen-tie lines and substations. It will be maintained  
20 and properly operated. So hopefully those effects to  
21 wildlife or anything else will be largely mitigated.

22 MEMBER FONTES: Mr. Chairman, if I could  
23 add further color to --

24 CHMN STAFFORD: Yes, Member Fuentes --  
25 Fuentes.

1 MEMBER FONTES: Yeah, thank you. This NERC  
2 standard that I've referenced for CIP that is put into  
3 place on a transmission line and stages of construction  
4 and prior to the operation by the project sponsor and  
5 APS, they have to comply with it. So those sensors will,  
6 in fact, detect gap leakage. And all these concerns that  
7 we have on the physical environment will be addressed  
8 through the sensors.

9 The sensors are then transmitted by  
10 embedded fiberoptic that are in the transmission lines,  
11 and while we didn't review the conductor type, I assume  
12 it's the standard at least 24 strands with 100 percent  
13 redundancy in your OPG 3, or whatever you use in your  
14 conductor. So they will have an ability to monitor  
15 remotely in near realtime any kind of outages or faults  
16 following a V North America Standard for this that  
17 addresses these things, and that's standard protocol. It  
18 will be reviewed annually as well, both by the project  
19 sponsor on the solar side and by APS as being your  
20 balancing authority.

21 So all this stuff will be covered under  
22 that standard, and so just providing additional color to  
23 go with your -- your inputs there, Mr. Crockett, and your  
24 team's, just to help out my fellow members.

25 MR. CROCKETT: Yeah, thank you for that,

1 Member Fontes, that's -- I learn something in every one  
2 of these line siting cases, so I appreciate that  
3 background.

4 Q. Okay. So let me -- Mr. Miner, let me come back  
5 to you. Have you formed an opinion regarding the  
6 environmental compatibility of the Obed Meadow project,  
7 as described in the application?

8 A. (MR. MINER) Yes, I have. In my professional  
9 opinion, based on TetraTech's analysis, the project  
10 conforms with applicable management plans and is proposed  
11 adjacent to existing infrastructure, thereby minimizing  
12 new impacts, and would be environmentally compatible,  
13 consistent with the factors set forth in Arizona Revised  
14 Statute Section 40-360.06. And consistent with previous  
15 projects approved by the siting committee.

16 Q. Mr. Pohs, do you agree with the findings that  
17 Mr. Miner has just outlined?

18 A. (MR. POHS) Yes, I do.

19 Q. And does this conclude your testimony on the  
20 environmental studies?

21 A. (MR. POHS) Yes, it does. Thank you.

22 Q. And, Mr. Miner, same question, does this  
23 conclude your testimony on the environmental studies that  
24 were performed by TetraTech?

25 A. (MR. MINER) Yes, it does.

1 Q. Next I'm going to move really to our conclusion  
2 section of the presentation of evidence so if there's no  
3 other questions --

4 MEMBER LITTLE: Mr. Chairman?

5 CHMN STAFFORD: Yes, Member Little.

6 MEMBER LITTLE: I do have one question. We  
7 discussed yesterday that there had been direct  
8 communication with the resident that was closest to the  
9 proposed transmission line. I'm wondering whether there  
10 has also been feedback, comment, direct communication  
11 with the resident that is .98 miles away.

12 MR. CROCKETT: I guess I would look to  
13 either Mr. Hadley or Mr. Miner on that question.

14 MR. HOFFBUHR: I can try to take a stab at  
15 it, Member Little.

16 MR. CROCKETT: Or Mr. Hoffbuhr.

17 MR. HOFFBUHR: No, we have not had any  
18 communication with the person that's almost a mile away,  
19 I think primarily due to the fact that the Cholla -- the  
20 Cholla facility is closer to that residence than our  
21 proposed facilities, that we didn't feel that there was,  
22 other than through regular outreach within the 2-mile of  
23 the Joseph City area, we haven't reached out specifically  
24 to that individual.

25 MEMBER LITTLE: Are you sure that they were

1 contacted, that they were in the list of --

2 MR. MINER: Yes, Member Little, I can -- I  
3 can confirm that they -- that those residents and all  
4 residents of Joseph City are on our mailing list.

5 MEMBER LITTLE: Which is very commendable.  
6 Thank you.

7 MR. MINER: Thank you.

8 MEMBER LITTLE: And there was no feedback  
9 from him that you're aware of -- or them?

10 MR. MINER: Not that we're aware of. They  
11 may have attended the in-person community meeting. They  
12 may have been in attendance to the virtual community  
13 meeting. But we have not had any direct communication  
14 with that landowner that we're aware of.

15 MEMBER LITTLE: Okay. Thank you.

16 BY MR. CROCKETT:

17 Q. Okay. Mr. Hoffbuhr, did Aurora Solar receive a  
18 data request from the Arizona Corporation Commission's  
19 utilities division Staff regarding the Obed Meadow  
20 project?

21 A. (MR. HOFFBUHR) Yes.

22 Q. Is Exhibit OM-14 a true and correct copy of the  
23 data request that you received?

24 A. (MR. HOFFBUHR) Yes.

25 Q. Did -- did Aurora Solar provide a response to



1 that Staff data request?

2 A. (MR. HOFFBUHR) Yes, we did.

3 Q. Is Exhibit OM-15 a true and correct copy of the  
4 response to Staff's data request?

5 A. (MR. HOFFBUHR) Yes.

6 Q. And we've talked about this, but has APS  
7 completed a System Impact Study for this project?

8 A. (MR. HOFFBUHR) No, not at this time. Aurora  
9 Solar has been notified by APS that the System Impact  
10 Study is expected on October 1st, 2023.

11 Q. Okay. And, I'm sorry, when did -- did you say  
12 when you received that most recent notice or  
13 communication from APS?

14 A. (MR. HOFFBUHR) The most recent notification from  
15 APS, letting us know to expect it on October 1st was on  
16 August 1st, 2023.

17 Q. Okay. And did Chairman Stafford send a letter  
18 to the Commission Staff requesting its input on the  
19 Aurora Solar application?

20 A. (MR. HOFFBUHR) Yes. In a letter dated  
21 June 28th, 2023, filed in the docket.

22 Q. And did Staff respond to that letter by filing a  
23 response in the docket?

24 A. (MR. HOFFBUHR) Yes. Staff filed a letter in the  
25 docket on July 27th, 2023.

1 Q. And is Exhibit OM-23 a true and correct copy of  
2 the Staff response to that letter?

3 A. (MR. HOFFBUHR) Yes, it is.

4 Q. Was Staff able to make a finding that the  
5 project will improve system reliability and will be safe?

6 A. (MR. HOFFBUHR) The Staff stated the following:  
7 "Based on Staff's review of the application, as well as  
8 Aurora Solar's response to the Staff-issued data request,  
9 Staff is unable to comment on whether the proposed  
10 project would improve the reliability, safety of the  
11 grid, and delivery of power in Arizona."

12 Q. And do you believe that Staff's response is due  
13 to the fact that there is no System Impact Study yet to  
14 look at?

15 A. (MR. HOFFBUHR) Yes, I do believe so.

16 Q. Okay. And does -- does Aurora Solar have any  
17 objection to providing a copy of that System Impact Study  
18 to Utilities Division Staff once it becomes available?

19 A. (MR. HOFFBUHR) No, no objection at all.

20 Q. Mr. Hoffbuhr, has Aurora Solar prepared a  
21 proposed form of Certificate of Environmental  
22 Compatibility in this case?

23 A. (MR. HOFFBUHR) Yes, both CECs were filed in the  
24 docket control on July 31st, 2023.

25 Q. Okay. So are Exhibits OM-20 and OM-21 copies of

1 those proposed CECs?

2 A. (MR. HOFFBUHR) Yes, they are.

3 Q. And are we calling the CEC associated with what  
4 we've referred to in this hearing as CEC-1, is that  
5 CEC-222-A?

6 A. (MR. HOFFBUHR) Yes.

7 Q. And is the other CEC, which we've referred to in  
8 this hearing as CEC-2, is that labeled on the draft as  
9 CEC-222-B?

10 A. (MR. HOFFBUHR) Yes, it is.

11 Q. And are those two CECs, are those -- were those  
12 prepared consistent with recent CECs that have been  
13 approved by this Line Siting Committee?

14 A. (MR. HOFFBUHR) Yes.

15 Q. A couple of last things here, Mr. Hoffbuhr, is  
16 Exhibit OM-6 a copy of the -- the PowerPoint presentation  
17 that we have been looking at yesterday and today?

18 A. (MR. HOFFBUHR) Yes.

19 Q. And was that prepared by you or under your  
20 supervision?

21 A. (MR. HOFFBUHR) Yes, it was.

22 Q. Mr. Hoffbuhr, do you have any concluding remarks  
23 at this time in the hearing?

24 A. (MR. HOFFBUHR) No, other than to just thank the  
25 Line Siting Committee for their time in reviewing this

1 CEC. I appreciate you guys coming up and taking the time  
2 to do this. So thank you.

3 MR. CROCKETT: Chairman Stafford, that  
4 completes our presentation of the case. We're certainly  
5 available to answer any additional questions the Line  
6 Siting Committee may have. I would like to move the  
7 admission of my exhibits. We do have an exhibit -- I've  
8 been keeping track here. We've talked about every  
9 exhibit here. I do have Exhibit OM-22, which was the  
10 itinerary for a site tour. I don't know if you want to  
11 have that introduced as one of the exhibits at this  
12 hearing or not?

13 CHMN STAFFORD: Yeah, because we did  
14 consider it, but we chose not to take the tour, but I  
15 think you were directed to provide a map and itinerary,  
16 so you complied with that, so --

17 MR. CROCKETT: Okay. So I would move the  
18 admission of Exhibits OM-1 through OM-25.

19 CHMN STAFFORD: Exhibits OM-1 through OM-25  
20 are admitted.

21 (Exhibits OM-1 through OM-25 were admitted  
22 into evidence.)

23 CHMN STAFFORD: Well, I do have a number of  
24 questions throughout -- throughout the application. I  
25 waited until the end to let you go through your

1 presentation instead of constantly interrupting.

2 MR. CROCKETT: Thank you.

3 CHMN STAFFORD: So we're coming up on the  
4 90-minute mark. I think now is a good time to take a  
5 break, and then we'll come back with questions from  
6 committee members. I have some myself; I'm sure some of  
7 the others may have. But -- so let's take a recess  
8 until, let's say, 10:35. We stand in recess.

9 (Recessed from 10:19 a.m. until 10:43 a.m.)

10 CHMN STAFFORD: All right. Let's go back  
11 on the record. I just had a few questions, looking at  
12 the application. If you turn to page 8 of the Biological  
13 Resource Assessment, Section 5.1, the last couple  
14 sentences talk about noxious weeds being observed during  
15 the field study of the surrounding area, and that the --  
16 a noxious weed plan may be required for the project. Can  
17 you speak to that? Do you have a noxious weed plan for  
18 the project?

19 MR. POHS: Chairman Stafford, we have not  
20 developed that as of yet. Do you guys have any input on  
21 that?

22 MR. MINER: Chairman Stafford, I'll jump  
23 in. As we went through the County Special Use Permit for  
24 the solar facility, a noxious weed plan was not required  
25 by the County.

1 CHMN STAFFORD: So they -- the answer is  
2 no, they're not going to require one for the line if  
3 they're not requiring it for the solar facility, then,  
4 correct?

5 MR. MINER: That is correct, yes.

6 CHMN STAFFORD: Okay. And then on page 12  
7 of the Biological Resource Assessment, at the bottom it  
8 says, "If construction cannot be completed between  
9 September 1st and January 1st, a survey for the  
10 threatened yellow-billed cuckoo and any active nests  
11 should be conducted prior to any activities within the  
12 Little Colorado River 100-year floodplain. If nesting  
13 birds are noted, a USWFS biologist should be contacted  
14 for further assessment."

15 What are the applicant's plans for  
16 construction during that time frame?

17 MR. POHS: Chairman Stafford, the intent is  
18 to avoid the breeding season of the threatened  
19 yellow-billed cuckoo.

20 MEMBER KRYDER: Move closer to your mic,  
21 please.

22 MR. POHS: Oh, I'm sorry. The intent of  
23 this mitigation measure is to avoid the breeding season  
24 of the yellow-billed cuckoo to prevent any take of the  
25 cuckoo under the Endangered Species Act. So if the

1 applicant were to conduct or complete construction  
2 outside the breeding season, there would be no need for a  
3 survey. I actually am unaware of the applicant's current  
4 plan in terms of construction, if that's -- maybe you  
5 guys could fill me in on -- or is there a plan to just  
6 completely avoid the breeding season or --

7 MR. HADLEY: So, Chairman Stafford, I would  
8 say at this point, given the still design and planning  
9 for the project, I think we would implement one or the  
10 other, either attempt to avoid the season or implement a  
11 monitor, as needed.

12 CHMN STAFFORD: So the time to avoid would  
13 be between January and September, then, because from  
14 September to the following January that's when it's not  
15 breeding season.

16 MR. POHS: Yeah, February 1st -- February  
17 1st to August 31st is the breeding season for the cuckoo.

18 CHMN STAFFORD: Okay.

19 MR. POHS: So you want to avoid that period  
20 of time for construction.

21 CHMN STAFFORD: Okay.

22 MR. POHS: Yeah.

23 CHMN STAFFORD: And looking at the Game &  
24 Fish Department report on page 6 of 10, the map, it shows  
25 the important connectivity zones in the pink.

1 MR. POHS: I'm sorry, Chairman, what are  
2 you referring to, what?

3 CHMN STAFFORD: Page 6 of 10, "Obed Meadow  
4 Important Areas" it says at the top of the map. In the  
5 Arizona Environmental Online Review Report from the  
6 Arizona Game & Fish.

7 MR. POHS: All right. All right. Chairman  
8 Stafford, I see what you're referring to there.

9 CHMN STAFFORD: All right. So you can  
10 clearly see the project that's before this committee is  
11 not in there, but just looking at it, it looks like some  
12 of the connectivity zones are where the solar facility  
13 will be located. I think you addressed this already, but  
14 I just wanted to clarify.

15 MR. POHS: Chairman Stafford, there may be  
16 some overlap of the far western solar facility with that  
17 connectivity zone. But I believe that's outside  
18 the -- is that outside the purview of this particular  
19 gen-tie corridor?

20 CHMN STAFFORD: Yes, it is. I'm just  
21 curious as to how that was mitigated for the solar  
22 project just for my own edification.

23 MR. MINER: Chairman Stafford, our Arizona  
24 Game & Fish letter that we received back, it's exhibit --  
25 I have to pull up my exhibit list, that letter, let me



1 just get the correct exhibit, is it --

2 MR. CROCKETT: Is it OM-19, I'm guessing?

3 MR. MINER: It would be OM-17. Our  
4 response letter from the Arizona Department of Game &  
5 Fish was from our initial submittal of a Biological  
6 Resources Assessment Report that covered the solar, as  
7 well as the gen-tie. And so the conditions placed upon  
8 the solar facility are included in that letter.

9 CHMN STAFFORD: All right. And then -- I'm  
10 curious as to why there's a Pinal County Riparian at the  
11 bottom when this is so far away from Pinal County. It  
12 shows the green, which is not anywhere on the map for  
13 Pinal County Riparian, I'm just curious as to how that --  
14 why that's even there.

15 MR. POHS: Yeah, Chairman Stafford, that  
16 appears to be an error within the Game & Fish database  
17 because --

18 MEMBER KRYDER: Little louder, please.

19 MR. POHS: Chairman Stafford, that appears  
20 to be an error in the online review tool from -- from  
21 Arizona Game & Fish, because we're well outside of Pinal  
22 County.

23 CHMN STAFFORD: Yes, I was questioning how  
24 big that could possibly be to stretch all the way --

25 MR. POHS: Potentially very hard to --

1 CHMN STAFFORD: -- to this project.

2 And then in the Figure 1-1 into the  
3 cultural resources inventory, it has "PLSS township,"  
4 "PLSS section," I'm sure you must have stated this  
5 before, but I didn't catch it, what does "PLSS" stand  
6 for?

7 MR. HOFFBUHR: Mr. Chairman, that stands  
8 for the Public Land Survey System.

9 CHMN STAFFORD: Okay. And you may have  
10 already stated this, but do you intend to follow with the  
11 APLIC suggested practice for avian protections on power  
12 lines and reducing avian collisions with power lines?

13 MR. POHS: Chairman --

14 MR. HADLEY: Chairman -- apologies.  
15 Chairman Stafford, that's correct.

16 CHMN STAFFORD: Okay.

17 MR. HOFFBUHR: Chairman Stafford, if I may,  
18 back to your question on the noxious weeds. I did check  
19 back on our Special Use Permit, there was no mention of  
20 weeds. The condition within the SUP just stated that we  
21 would coordinate re-vegetation and restoration in  
22 conjunction with the landowner and the NRCS.

23 CHMN STAFFORD: Okay. Thank you.

24 Some of this is already addressed, I don't  
25 have to ask the question.

1 Now, go back to the structures. I seem to  
2 recall you said there's a third type of structure that  
3 was not included in the application that you intend to  
4 use?

5 MR. HADLEY: Chairman Stafford, so we  
6 actually have three potential structures that are being  
7 considered, two of which has have been admitted during  
8 this hearing, those were, I believe, OM-24 and 25. Those  
9 are the two other monopole structure variations. The  
10 third additional potential monopole structure variation  
11 is the one shown, there were two structures immediately  
12 east of Obed Road.

13 CHMN STAFFORD: But there were -- there's  
14 not a diagram like there typically is for these?

15 MR. HADLEY: For that third variation there  
16 is not right now.

17 CHMN STAFFORD: Okay. Mr. Crockett, how  
18 long until you can get that into the record and admitted  
19 as an exhibit?

20 MR. CROCKETT: Chairman Stafford, I don't  
21 believe the diagram has been prepared, it would be  
22 prepared by the engineering firm that Aurora Solar uses.  
23 Let me ask Mr. Hadley if he knows how long that would  
24 take?

25 MR. HADLEY: Certainly, Chairman Stafford.

1 So we do not have a current estimated time for  
2 preparation of the flyover and, you know, upon further  
3 design, that was a potential structure shown. We can  
4 follow up with our engineering firm and see how long that  
5 may take. But that is not currently under preparation,  
6 since the project is still a little earlier in design  
7 compared to when we'll be procuring the items.

8 CHMN STAFFORD: Okay. I'm just -- I just  
9 want to try to avoid a situation where you have to come  
10 back and get an amendment to the CEC because it's not an  
11 approved structure. We saw that with the Sunzia  
12 application where they changed the poles and they had --  
13 Staff had significant -- a substantial change that  
14 required an additional hearing.

15 MR. CROCKETT: We do have, and perhaps we  
16 can go back to, if we need to, the virtual presentation,  
17 we do have a depiction of that structure in the virtual  
18 presentation.

19 Q. Let me ask Mr. Hadley, have you definitively  
20 decided that structure will be used or is that simply an  
21 option at this point?

22 A. (MR. HADLEY) I believe that's simply an option  
23 at this point. Our engineering firm has not prepared a  
24 formal drawing, that is a conceptual design, and as such,  
25 it's not a typical, that's why I did not have a typical

1 drawing currently available.

2 MR. CROCKETT: And so Chairman Stafford,  
3 would it be sufficient for purposes of the record if we  
4 went back to the virtual -- virtual tour and looked  
5 specifically at that structure and what's shown there?

6 CHMN STAFFORD: Yes, let's -- let's try  
7 that first.

8 MR. CROCKETT: Let's give that a try. And,  
9 Mr. Hadley, I'll need you to navigate us to the point in  
10 the presentation where we look at that.

11 MR. HADLEY: Sure. And they've actually  
12 already done so. So these two structures here  
13 immediately --

14 MR. CROCKETT: If you have your pointer and  
15 it would be, yeah, there we go, maybe that would help.

16 MR. HADLEY: So it would be --

17 CHMN STAFFORD: The T across the conductors  
18 you're talking about?

19 MR. HADLEY: That is correct.

20 CHMN STAFFORD: Okay. And what's the  
21 height of those -- the maximum height that you would  
22 anticipate using?

23 MR. HADLEY: So it's my understanding,  
24 Chairman Stafford, that these would also be in the same  
25 height range as the others, I believe. And I can

1 re-reference our testimony, I believe that it was -- it  
2 was 100 feet would be the maximum proposed height. And I  
3 think it's still a conceptual drawing with the horizontal  
4 arrangement just as it's not typically done. I think  
5 many variations they would just have a higher vertical  
6 structure height. So I think our goal was to maybe  
7 minimize that, and find a middle ground, that's why  
8 there's not a drawing currently available.

9 CHMN STAFFORD: All right. And this is --  
10 these are the structures you used to straddle Obed Road,  
11 correct? Hence, giving it the greater clearance over the  
12 road without raising the height of the structures?

13 MR. HADLEY: That's correct.

14 CHMN STAFFORD: Okay. All right. Well,  
15 I'm satisfied by that.

16 Members, any follow-up questions on that?

17 MEMBER FONTES: Mr. Chairman, if I may, I  
18 have a follow-up question.

19 CHMN STAFFORD: Yes, Member Fontes.

20 MEMBER FONTES: CEC-2, I guess we have a  
21 conceptual design on what APS may choose for those poles,  
22 but just to clarify, we do not -- do we know with  
23 certainty and do we have conceptual drawings or is  
24 anything beyond conceptual drawings for inside the APS  
25 substation? I don't think we do, because we haven't got

1 to the facilities engineering study and we're still on  
2 the SIS, but I'll let you all answer that for informing  
3 the committee.

4 MR. CROCKETT: And let me respond to that,  
5 I'm going to turn it over to my client, Chairman Stafford  
6 and Member Fontes, in the application we show two  
7 structure types, and then in exhibits we've identified  
8 two additional potential structures, which are the OM-25  
9 [sic] and OM-25 exhibits. And in this, the one we've  
10 just looked at on the virtual tour is a fifth possible  
11 structure; is that correct?

12 Q. So, Mr. Hadley, do we have -- we have five  
13 potential structure types that may be used in this  
14 project?

15 A. (MR. HADLEY) That's correct.

16 Q. And can I assume that the structure types  
17 would -- that you're using for CEC-1 would be the  
18 structure types you would use for CEC-2?

19 A. (MR. HADLEY) That is correct. And also just to  
20 confirm there are five total structure types; however, if  
21 we were to use the monopole steel configuration,  
22 generally speaking, that would not include any of the  
23 H-frame configurations, so it would be all steel  
24 monopoles. The only differentiation between them would  
25 be the configuration of the conductors.

1 CHMN STAFFORD: Okay.

2 MR. CROCKETT: And let me -- and let me,  
3 just for the record, read an e-mail that I received from  
4 Linda Benally, who is an attorney with APS on this. She  
5 says, "Good morning, Jeff. APS has reviewed CEC-2 in  
6 case 222 that was filed in the docket. APS has no  
7 comments on the corridor description, however, APS  
8 expects CEC-2 may be modified in the future, as more  
9 specific information is known. It is too soon to know  
10 details of the interconnection, such as whether the CEC-2  
11 corridor description is a good description, as studies  
12 are not complete."

13 While I'm reading this I'll mention one  
14 other thing, "APS requests that the annual compliance  
15 reporting date in Condition 19 be changed from November 1  
16 to December 1. Let me know if you have any questions."

17 So when we get to looking at the CECs on  
18 the screen, we'll propose that edit from APS on CEC-2.  
19 But the point I guess I'm making is that we would request  
20 the approval of CECs 1 and 2 based on this record, with  
21 the understanding that APS has indicated, I guess, if  
22 there is a different type of structure that is materially  
23 different from what we presented in these five in the  
24 hearing, then it's understood that there may need to be  
25 an amendment to CEC-2 in the future.



1 CHMN STAFFORD: Okay. But right now the  
2 plan is to use the same structures for CEC-2 as CEC-1?

3 MR. HADLEY: That's correct, Chairman.

4 MEMBER FONTES: Mr. Chairman, does that  
5 address the concerns of the --

6 THE REPORTER: I can't hear him.

7 CHMN STAFFORD: We can't hear you. Member  
8 Fontes, can you start over again, you're -- the court  
9 reporter can't make out what you're saying.

10 MEMBER FONTES: Did that address your  
11 concern with respect to the Sunzia project on the  
12 material change to the pole structures in that answer?

13 CHMN STAFFORD: Yes, I mean, because what  
14 they said is that they're not -- they have five total  
15 structure types that have been discussed into the record  
16 in this proceeding that they could use for the entire  
17 line, the first part or the second part. The part that's  
18 going to be built on APS land, the exact route is still  
19 undetermined, but it will still use those same poles that  
20 we're -- that will be approved in the CEC.

21 So if APS decides to build, well, actually  
22 you guys are going to build it on APS's land, correct?  
23 You're not just going to build up to the fence line and  
24 then let them do the rest of it, you will build the  
25 entire line, correct?

1 MR. HADLEY: Chairman Stafford, that's our  
2 understanding, correct.

3 CHMN STAFFORD: Right. So if APS decides  
4 that they need to use wholly different type of structures  
5 then it will be up to the applicant, because they would  
6 still hold the CEC unless he transferred it before it was  
7 built which I'm thinking it's possible -- that's  
8 typically not what happens, to my understanding.

9 MR. CROCKETT: And, Chairman Stafford, we  
10 have not gotten to that level of detail of discussion  
11 with APS.

12 CHMN STAFFORD: Okay. So yes, so it would  
13 be those -- those structures that we would approve would  
14 be used the entire line, both sections, the only thing  
15 that's really gray on it is where it's going to go once  
16 it hits APS's property line. But that's why it's -- the  
17 corridor's the shape that you've requested so it will  
18 allow them to put it wherever they need to on their  
19 property to get it to where it needs to go at the  
20 substation.

21 MR. CROCKETT: And, Chairman Stafford, I'm  
22 looking at my team now because I'm going to make a  
23 commitment on their behalf, but because of the virtual --  
24 the virtual presentation has been addressed at the  
25 hearing, but I'm not sure that it becomes the

1 actual -- the virtual tour becomes a part of the record,  
2 so to the extent it doesn't, what we, I think will do, I  
3 would recommend we do, is we take a still image of that  
4 fifth structure type, create that as an exhibit and  
5 indicate that it comes from the virtual tour, but that is  
6 a fifth possible structure type and we will get that  
7 filed in the docket here within the next couple of days,  
8 can we get that done?

9 MR. HADLEY: Certainly.

10 MR. CROCKETT: Would that -- would that be  
11 a good way to handle that, Chairman?

12 CHMN STAFFORD: Yes, so that will be late  
13 filed Exhibit Number OM-26?

14 MR. CROCKETT: Correct.

15 CHMN STAFFORD: Well, then you can file  
16 that and we'll admit it.

17 I've got to admit, I'm really uncomfortable  
18 that APS hasn't completed its System Impact Study, and  
19 that Staff has nothing to evaluate.

20 MEMBER FONTES: Mr. Chairman, I underscore  
21 that concern, and I was going to raise it up after your  
22 conclusion, but you're covering it right now, and I don't  
23 see how we can opine on that in this forum or related,  
24 because if the electric utility staff can't do it without  
25 the SIS, it seems like we have incomplete information.

1 So just to add color to what -- and underscore what  
2 you're observing.

3 CHMN STAFFORD: Yes, I'm -- I'll ask the  
4 members what their opinion is, but I'm not comfortable  
5 moving forward, I think, to approve -- to vote on the CEC  
6 today without that information. I mean, some of the  
7 conclusions of law and findings of fact that we typically  
8 make, we can't do that without that information. I'm  
9 disappointed that APS decided not to show up and explain  
10 itself, because it should have completed the System  
11 Impact Study by now, and Staff should have been able to  
12 evaluate it.

13 MEMBER FONTES: Mr. Chairman, to further  
14 add to that, we were apprised that there are other  
15 competing projects going into that substation and we  
16 don't know the timing of those other projects, so  
17 anything that we would approve on this may be impacted by  
18 another project that could come in, and then would cause  
19 a substantial reroute or material reconfiguration if  
20 another project were, in fact, built before this one was.

21 So just observing that it's not only the  
22 concept, the System Impact Study, but the timing, the  
23 nature and the extent of how that would be realized over  
24 time.

25 MR. CROCKETT: And if I could, Chairman

1 Stafford and Member Fontes, if I could just speak to that  
2 for a moment. We have -- we have done what is required  
3 of an applicant for a CEC. I think there's evidence in  
4 the record that the Cholla Power Plant, we've closed --  
5 two units have been closed there, two more units will be  
6 closed. I think the evidence speaks for itself that that  
7 will leave available a substantial amount of capacity at  
8 the Cholla Substation.

9           You've heard a public commenter yesterday  
10 indicating that this project, as well as others, will  
11 help replace the power that's being lost at that -- at  
12 that facility with the closure of the existing coal  
13 units. We -- I'm wondering if there is, you know, we  
14 have been waiting for quite some time for APS to complete  
15 the System Impact Study.

16           We don't expect that the System Impact  
17 Study will come back with a negative finding. We believe  
18 that it will find that there is capacity, and that this  
19 can be safely connected to the -- to the substation.  
20 We're expecting a report on September 1, we don't know  
21 that that System Impact Study will come on September 1,  
22 but to the extent that the committee has concerns about  
23 moving forward at this point, I -- I would propose that  
24 perhaps this could be addressed in a condition to the CEC  
25 that before the line is constructed -- and I'm looking

1 across the table and start waving your head no at me if  
2 this doesn't work -- but something along the lines that  
3 the construction of the line wouldn't commence, and it  
4 really couldn't commence until APS completes its work.

5 So we would late file a copy of the System  
6 Impact Study. The System Impact Study could be evaluated  
7 by Commission Staff at that point in time. And then  
8 assuming that there's no issue, that the CEC would then,  
9 I mean, that the project could move forward. We've  
10 invested, obviously, a substantial amount of time and  
11 energy and money in moving this project forward. I think  
12 the record indicates that it is a very needed project at  
13 this time. And we don't want to further delay that by  
14 potentially having to come back through this process with  
15 the Line Siting Committee simply because we haven't had  
16 the Impact Study yet. So that's just something I would  
17 propose for consideration by the committee.

18 CHMN STAFFORD: All right. Is it -- is the  
19 System Impact Study anticipated to be delivered by APS  
20 October 1st or September 1st?

21 MR. HOFFBUHR: Mr. Chairman, it's  
22 October 1st.

23 MR. CROCKETT: I'm sorry, yeah, that's  
24 right, October 1st.

25 CHMN STAFFORD: Okay. But I can't think of

1 any -- any CEC that's ever been issued that hasn't had a  
2 System Impact Study prepared in advance of the issuance  
3 of the CEC.

4 MEMBER FONTES: Thank you, Mr. Chairman,  
5 that was something that I wanted to ask you. Is there a  
6 precedent for that? And then, likewise, is there a  
7 statute, a legal citation that we should be referring to  
8 on that that oversees our committee that you may be aware  
9 of to hear. For sure the facility study will identify  
10 the exact pole structures, and the -- the -- the line  
11 with respect to other competing projects.

12 Again, I'm looking at the timing of these  
13 other projects that may awarded and approved prior to  
14 your project by APS that could impact where this line's  
15 going to go inside the APS system that needs to be  
16 addressed.

17 CHMN STAFFORD: Yeah, I seem to recall that  
18 we had a situation in a prior case where they were doing  
19 the analysis in batches. I don't know if that's what's  
20 going on here, if there's a -- if there's a batch they're  
21 trying to do, if it's just this project individually.

22 MEMBER FONTES: Mr. Chairman, it's referred  
23 to as a "cluster study."

24 CHMN STAFFORD: Cluster. Yeah. Batch,  
25 cluster.

1 MEMBER LITTLE: Mr. Chairman?

2 CHMN STAFFORD: Yes, Member Little.

3 MEMBER LITTLE: In the 12 years that I've  
4 been directly involved in CECs, I have never seen one  
5 that was approved without a System Impact Study and a  
6 statement by Staff that they reviewed it and found it  
7 satisfactory.

8 CHMN STAFFORD: And that's -- that's my  
9 recollection of how it's been going. I'll just point out  
10 that under ARS 40-360.02(c)(7), it's -- "The plans for a  
11 new facility shall include a power flow and stability  
12 analysis report showing the effect on the current Arizona  
13 electrical transmission system."

14 MEMBER FONTES: Those are typically outputs  
15 of the System Impact Study, for my fellow members.

16 CHMN STAFFORD: Right. And we don't have  
17 that. I'm -- I understand that from -- superficially,  
18 you know, it appears to me that everything else is in  
19 line for this application. It's just this is a huge,  
20 glaring omission. And I acknowledge that it's really not  
21 the applicant's fault, since they've been seeking this  
22 since, what, 2021?

23 MEMBER LITTLE: 2020.

24 CHMN STAFFORD: 2020. So going on three  
25 years now. I think we have options. I mean, we could



1 subpoena APS to come and testify before this committee  
2 and explain what the heck's going on.

3 MR. CROCKETT: And let -- Chairman  
4 Stafford, let me just ask my -- one of my witnesses to  
5 provide a little more background in terms of what has  
6 been the discussions with APS to date on this, and I  
7 don't know that there's a lot more to tell, but let me  
8 just ask Mr. Hoffbuhr on this.

9 Q. Is there -- can you just describe the  
10 discussions with APS over this System Impact Study?

11 A. (MR. HOFFBUHR) Mr. Chairman, the discussions  
12 are -- there's not many. We basically have been  
13 notified -- well, first, let me back up a little bit --  
14 yes, this is part of a cluster study, I think there -- I  
15 don't know how many other projects are this in cluster  
16 and how many megawatts that are associated with that  
17 cluster, but it is part of a larger cluster study.

18 The only real communication we've had with APS  
19 is just notifying us every six months or so that it's  
20 delayed, and will be -- our last conversation with them  
21 in May sounds like they felt pretty confident that they  
22 were going to get it to us this time around. But that's  
23 about as far as the conversations have gone.

24 MEMBER FONTES: Mr. Chairman, if I may ask  
25 a question to follow up on that?

1 CHMN STAFFORD: By all means.

2 MEMBER FONTES: Would it be helpful if  
3 Mr. Chairman and the committee executed the suggested  
4 subpoena for you prior to development to get you answers  
5 on that?

6 MR. HOFFBUHR: I -- I don't know if I could  
7 answer that question, to be honest. I don't know if it  
8 would make a difference on not, and I don't -- I don't  
9 know.

10 MEMBER FONTES: You don't have an opinion  
11 one way or another?

12 MR. HOFFBUHR: No, I don't. I don't want  
13 to -- I don't know. That's a tough one to answer for me,  
14 I'm not sure if they would -- they may just come up and  
15 they may give a little more color, yes.

16 MEMBER FONTES: Yeah, could go either way.  
17 It could be help, it could be hindrance. I just want to  
18 make sure that we have awareness from your perspective as  
19 the project sponsor. But, certainly, it is an issue here  
20 you're seeing.

21 Mr. Chairman, back to you.

22 CHMN STAFFORD: Yeah, I would like to see  
23 testimony from APS on this, and possibly some questioning  
24 from Staff of APS, maybe to get to the -- to the issue  
25 here, because this is -- this is unprecedented. I've

1 never seen a CEC issued without a System Impact Study.  
2 And the fact that this has been going on for so long  
3 without a response from the utility is disturbing,  
4 frankly.

5 MR. CROCKETT: And, Mr. Chairman, referring  
6 back to the language you read from the statute, that you  
7 shall not issue, I would submit that perhaps a CEC could  
8 issue if it was conditioned upon a System Impact Study  
9 that confirms that there is capacity, and that could be  
10 safely connected to the grid such that it wouldn't -- it  
11 wouldn't -- the project could not proceed ahead without  
12 that demonstration filed in the docket. That perhaps is  
13 consistent with the language that you shall not issue a  
14 CEC without that -- that study being completed. If it's  
15 made a condition of the CEC, I think perhaps that would  
16 satisfy the legal standard.

17 CHMN STAFFORD: Yeah, I'm -- I don't --

18 MEMBER LITTLE: Mr. Chairman?

19 CHMN STAFFORD: I don't really -- I see  
20 your point, but I don't like that approach. I think this  
21 is the thing that should be done before the CEC is  
22 issued, not after the fact, as a follow-up. I  
23 think -- and I look at the time frame, say it was -- the  
24 CECs are approved today and submitted to the Commission,  
25 it will be before the Commission, you know, not sooner

1 than 30 days, not later than 60 days, will it be done by  
2 then? What happens if APS is still dragging its feet,  
3 they don't have any information? Staff can't opine even  
4 at the open meeting. I think that's an untenable  
5 position for the applicant and the committee and the  
6 Commission.

7 MEMBER GOLD: Mr. Chairman?

8 CHMN STAFFORD: Yes, Member Gold.

9 MEMBER GOLD: I don't know the legalese,  
10 how to phrase this, but I have a concern. The first  
11 concern, when is the coal-fired plant scheduled to be  
12 de-commissioned? Number two, what are they going to do  
13 to make up the shortage in the electrical generating  
14 power at that period in time? How will this project  
15 impact with those projects? Why don't we have those  
16 answers?

17 CHMN STAFFORD: I can actually give you  
18 most of those answers. Two of the four units have  
19 already been closed. The last one was in 2020. The  
20 remaining two units are scheduled to be shut down in  
21 2025.

22 MEMBER GOLD: Okay. 2025, they're going to  
23 shut down?

24 CHMN STAFFORD: Right. It's up to utility  
25 to how they're going to do their reclamation, there's

1 requirements for all that, how they shutter the plant.  
2 But, yes, it will close in 2025. And this project is one  
3 of the new generation resources that would replace that  
4 generation. But again, this is a 200-megawatt project,  
5 potentially 200-megawatts of storage in addition to that,  
6 but, again, the entire unit was, like, a gigawatt of  
7 power. So it's a lot more than that. So it's going to  
8 be up to APS how, and they'll address it in their  
9 resource planning about how they're going to make up the  
10 shortfall when those units close down, what generation  
11 will replace them.

12 Now, one of them belongs to PacifiCorp, and  
13 so they've already figured that out, that was the  
14 first -- that was the one disclosed in 2020, I believe,  
15 was the PacifiCorp, but that's not -- that's not an  
16 Arizona utility, so that's some other state's issue. But  
17 for here, you know, APS has the output from the other --  
18 the two remaining -- I believe it has the full output of  
19 the two remaining Cholla units, so it will need to make  
20 up that shortfall by other means, including potentially  
21 this project.

22 But, again, it will take more than just  
23 this project, it's too many megawatts it's not going to  
24 replace -- well, like, three-quarters of that, because I  
25 think three of the units was APS and one was PacifiCorp,

1 so -- and the one that APS closed I think was in '12,  
2 2012, so they've already had to make up that shortfall.

3 So it's the last two units that will go off  
4 in '25, where they'll have to make up all that, I'm going  
5 to assume it's 500 megawatts, it's going to need, you  
6 know, at least another project or two to make up that  
7 difference. And, again, it depends what the replacement  
8 generation is, but when it's available, and, like, for  
9 example, solar doesn't generate when the sun's not  
10 shining, but that's the purpose of storage is to shift  
11 that consumption, ship the power to where it wants to be  
12 consumed, as opposed to when it's generated.

13 So those are all issues that will sorted  
14 out with utilities to make up -- to serve their load.

15 MEMBER GOLD: But what obligation do we  
16 have to make a recommendation or a warning?

17 CHMN STAFFORD: Well, we're not in charge  
18 of the Utility's Integrated Resource Plans, that's what  
19 the Commission does. Our role is the fact finder for the  
20 Commission to determine whether a CEC should be granted  
21 in any individual case. And the big sticking point here  
22 is that I can't recall, and neither can Member Little, of  
23 any case of a CEC being issued without the System Impact  
24 Study saying this is what the effects it's going to be on  
25 the grid.

1 Now, they do point out it's highly likely  
2 that it's going to work out, because of all of this  
3 capacity, you know, they could handle that much, a  
4 gigawatt leaving that place. So as it goes down it frees  
5 up capacity for other resources to use it, but again,  
6 there could be other nuances that we're not aware of. I  
7 think it was before your time, but other members will  
8 recall, there was one situation where there was a solar  
9 project plus storage, there was a condition or there was  
10 constraint on it where they could not grid charge the  
11 batteries during a certain time, because it would have an  
12 effect on the grid. And that's the kind of issue that we  
13 need to know doesn't exist, at least for me personally,  
14 to vote in support of the CEC.

15 MR. CROCKETT: Chairman Stafford, let me  
16 just put a couple of other pieces of information out  
17 there. This Line Siting Committee approved a CEC for a  
18 project that is adjacent to our project, is that the  
19 Hashknife project?

20 (No response.)

21 MR. CROCKETT: And Member Little, I don't  
22 know if Member Little can recall on that project, but  
23 that literally is on the same -- the same landowner that  
24 we're dealing with, it's an adjacent project. It was  
25 approved in '20 or '21, and I don't know whether a -- I'm

1 assuming maybe there was -- there's a System Impact Study  
2 for that, I wonder if that -- if that could support a  
3 finding in this case? I'm not sure if they were included  
4 in an earlier study, but that -- that project literally  
5 probably touches our property on a couple of orders.

6 Q. Is that right, Mr. Hoffbuhr?

7 A. (MR. HOFFBUHR) Yes, it is.

8 CHMN STAFFORD: Well, that makes -- that makes  
9 APS's failure to complete the System Impact Study in this  
10 case even more egregious, especially if it was part of  
11 the, not batch, what's it called?

12 MR. CROCKETT: Cluster.

13 CHMN STAFFORD: Cluster, right. Exactly.

14 MEMBER FRENCH: Mr. Chairman?

15 CHMN STAFFORD: Yes, Member French.

16 MEMBER FRENCH: Can you remind me of the  
17 statutory time frame that the committee has to be able to  
18 vote on a CEC after it's been filed?

19 MEMBER KRYDER: Speak into your microphone  
20 a little more, David.

21 MEMBER FRENCH: Can you remind me of the  
22 statutory time frame allowed to the committee to vote on  
23 an application after it's been filed?

24 CHMN STAFFORD: Yes. Under ARS  
25 40-360.04(d), the time limit for the committee to act on



1 this application will be December 20th of 2023.

2 MEMBER FRENCH: May I suggest that we  
3 possibly vote on this application at a later date once  
4 the information has been filed?

5 CHMN STAFFORD: That is an option. We  
6 could recess today's hearing and come back at a  
7 subsequent date and time and different location, most  
8 likely, probably at the Commission itself, to hear from  
9 APS and find out what's the hold up, because this -- this  
10 System Impact Study should have been completed by now.

11 MR. CROCKETT: Chairman Stafford, and  
12 before we proceed down that path, I would probably ask  
13 for a recess, try to get in touch with Ms. Benally, and  
14 see what information or what light she can shed on this,  
15 before we -- before we come up with that type of a plan.

16 CHMN STAFFORD: That's a good idea. Thank  
17 you, Mr. Crockett. I think we should do that.

18 All right. It's almost 11:30, let's take a  
19 recess until --

20 MEMBER RICHINS: Chairman, before -- I  
21 just --

22 CHMN STAFFORD: Yes, Member Richins.

23 MEMBER RICHINS: I had another question  
24 that I wanted to ask about this in the context of this  
25 conversation before we recess.

1 I understand there's quite a backlog of  
2 applications for gen-ties in particular, and if the  
3 utilities are having this issue, we -- we both  
4 are -- we're set up with a vexing problem, right? We  
5 have to not only facilitate movement on these gen-ties,  
6 but we're trying to time it with the utilities and their  
7 information.

8 It appears to me that if we were to vote on  
9 this application today, we would be setting a new  
10 precedent about approving an application prior to having  
11 that study complete. With our backlog, I'm wondering if  
12 there's a way we could thread the needle a little bit and  
13 figure out if -- how we might be able to facilitate some  
14 kind of conditional approval that when those reports  
15 start hitting, that -- that the companies aren't faced  
16 with an additional regulatory burden of returning back to  
17 the committee, and we have to gather everybody together,  
18 you know, is there a way that we could -- because we've  
19 heard all the evidence, you know, and so I think save for  
20 that one issue, which is a major utility issue, of  
21 course, and I agree, you know, I'm just trying to find a  
22 way to help not only facilitate business happening in  
23 Arizona, but also meeting the regulatory authority that  
24 we've been granted in some way, so maybe we could  
25 consider that during recess.

1 CHMN STAFFORD: Okay. But just the thing  
2 that jumps out to me about that is that what happens if  
3 the System Impact Study has a problem? And it says,  
4 well, you can't interconnect here.

5 MR. RICHINS: Because APS won't issue a  
6 power purchase agreement in that instance, so these guys  
7 are dead in the water anyway.

8 MEMBER FONTES: You're assuming APS is  
9 going to issue -- is going to be the offtaker for the PPA  
10 with that statement, probably not, 50/50.

11 CHMN STAFFORD: Yeah, it can go anywhere.

12 MEMBER FONTES: Yeah, it's the facility  
13 study. I mean, I could see the conditional commitment on  
14 CEC-1, because there may be impacts from the CEC-2, but  
15 without a System Impact Study, you really can't complete  
16 all of the things that we've been presented here, I mean,  
17 factually.

18 MEMBER RICHINS: I'm just responding, APS  
19 is the RFP that they're responding to, so I think this  
20 project only gets built with a successful response from  
21 the RFP.

22 MEMBER FONTES: Are they responding to RFP  
23 from APS though, or is that an option --

24 MEMBER RICHINS: That's what was stated  
25 earlier, I believe --

1 MEMBER FONTES: -- because I heard --

2 CHMN STAFFORD: One at a -- gentlemen, one  
3 at a time, please. The court reporter is giving me a  
4 look.

5 MEMBER RICHINS: Thank you. Sorry.

6 MEMBER FONTES: My question is --

7 CHMN STAFFORD: Member Fontes, please  
8 proceed.

9 MEMBER FONTES: -- is it APS for sure  
10 that's going to be the oftaker or is that undetermined,  
11 because I understood yesterday that it's TBD?

12 CHMN STAFFORD: Mr. Crockett?

13 MR. CROCKETT: The oftaker has not yet  
14 been determined, but we believe it's -- and I'll turn to  
15 Mr. Hoffbuhr, I think we believe it's very likely to be  
16 APS.

17 MR. HOFFBUHR: Yeah, Mr. Chairman, I'll try  
18 to -- I'll do my best to answer that question for -- with  
19 what we know now. Our interconnection request is with  
20 APS. As far as we know, any customer, whether it be APS  
21 or a large customer on the APS system, it will be through  
22 APS, whether it's some sort of green sleeve-type deal  
23 where we negotiate a contract through APS to deliver to a  
24 customer, that's all we're looking at right now is some  
25 sort of contract with APS.

1 MEMBER RICHINS: Chairman?

2 CHMN STAFFORD: Yeah, Member Richins.

3 MEMBER RICHINS: The fact that we're losing  
4 a gigawatt of power here from an APS -- well, I guess  
5 it's a multi-utility power plant, the CEC-2 is going  
6 through APS property, as proposed, there's a lot of  
7 evidence pointing that this will be more than likely with  
8 APS. And shame on APS, I mean, for the record, shame on  
9 APS for not getting their business in order, so we can do  
10 our work, so that's on them.

11 But, again, just trying to find ways to  
12 facilitate things moving forward because we're going to  
13 have so many of these behind us if we have to keep going  
14 back after the whole hearings and to refresh ourselves on  
15 what was discussed, and it's going to be complicated.

16 CHMN STAFFORD: We shouldn't have to, I  
17 mean, we should -- the System Impact Study should be --  
18 the utility should already have it done in time for Staff  
19 to look at it in time for the hearing, that's my pot of  
20 wine. I think -- I think that's what needs to happen,  
21 it's what should happen, and that's what we need to see  
22 what we need to do to make that happen.

23 So on that note, let's take a 20-minute  
24 recess, is that sufficient time, Mr. Crockett, or do you  
25 need more?

1 MR. CROCKETT: Yes, Chairman Stafford, that  
2 should be sufficient.

3 CHMN STAFFORD: Okay. So let's take an  
4 approximately 20-minute recess and come back at about 10  
5 'til noon. We stand in recess.

6 (Recessed from 11:28 a.m. until 11:52 a.m.)

7 CHMN STAFFORD: All right. Let's go back  
8 on the record.

9 Mr. Crockett, how was your efforts to get  
10 in contact with APS?

11 MR. CROCKETT: Chairman Stafford, I have  
12 not been able to reach anyone at APS, so I think what we  
13 would suggest is that we recess for lunch, and we'll  
14 continue to try to get ahold of someone there, talk about  
15 options, and then come back after lunch and we try to  
16 figure out a plan to move forward.

17 CHMN STAFFORD: All right. I think it's an  
18 excellent suggestion.

19 All right. So let's take our lunch break.  
20 We'll come back at 1:30. Until 1:30 we stand in recess.

21 (Recessed from 11:53 a.m. until 1:39 p.m.)

22 CHMN STAFFORD: All right. Let's go back  
23 on the record.

24 Mr. Crockett, I believe you have contacted  
25 APS and you have something back -- to report back?

1 MR. CROCKETT: I do, Chairman Stafford. I  
2 was able to get in touch with one of the attorneys at APS  
3 over the lunch break, she'd been out of town, was just  
4 arriving at the airport, so I was trying to get up to  
5 speed.

6 So here is -- here is what -- what she has  
7 offered: APS is able to make a witness available, that  
8 witness would be Jason Spitzkoff. He can either appear  
9 virtually this afternoon or he would be able to appear in  
10 person tomorrow. But the scope of what he would present  
11 evidence on would be the process that APS goes through in  
12 completing these System Impact Studies, the FERC process  
13 that they interface with, and from what I gathered on the  
14 phone call, basically the reason it's taking the time  
15 that it's taking to complete the System Impact Study for  
16 the cluster of companies that includes Aurora Solar.

17 I asked her if the witness would be able to  
18 provide any testimony on the impact of this project on  
19 the APS substation, and she said no, that they have  
20 not -- they've not completed the impact study, and so  
21 they're not in a position to provide testimony on that.  
22 So that's -- that's what I have to report.

23 CHMN STAFFORD: All right. So they can't  
24 answer our questions, and Staff won't be able to opine on  
25 the accuracy of their conclusions.

1 Now, was APS able to say anything about  
2 when they can actually get the System Impact Study  
3 completed and to Staff?

4 MR. CROCKETT: I didn't specifically ask  
5 that question. What she did tell me is that at this  
6 point in time there is nothing in writing, as far as an  
7 impact study, which is -- which is a little different  
8 than our understanding of where they were in the process.  
9 So I'd ask whether it would be possible to provide a  
10 draft SIS at this time, and she said no.

11 MEMBER KRYDER: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: Given the information -- I  
14 thank you very much, Jeff, for getting that, I know that  
15 that was likely a disruption to your lunch -- I  
16 personally would prefer, and I certainly don't mean to  
17 speak for the committee, but I would personally prefer to  
18 have the person here face to face, rather than do this  
19 online.

20 MR. CROCKETT: And, Chairman Stafford,  
21 Member Kryder, if I could respond to that, that would be  
22 fine with us, we're prepared to be here tomorrow. And  
23 what we might do this afternoon, this would be my  
24 suggestion, is that we could go through the draft CEC  
25 with the committee, if that's your pleasure, and then



1 hear that testimony tomorrow.

2 I am still hopeful that there's a way.  
3 We've been looking at a couple of the relevant statutes  
4 over the lunch hour, and it's my opinion that  
5 they're -- that it's within the authority of this  
6 committee to issue a CEC that is conditional, and that  
7 that condition could include the submission of an impact  
8 study, an evaluation by Staff of that impact study and  
9 then compliance with any -- any requirements or  
10 mitigation measures that come out of the impact study on  
11 this project.

12 CHMN STAFFORD: That is certainly one  
13 approach.

14 Members, do you have any thoughts, comments  
15 on hearing from APS? I mean, it seems like what they'll  
16 be able to tell us is why it isn't done and what they're  
17 doing to try to get it done but they're not going to be  
18 able to tell us what the impacts are on the system or --  
19 and, again, we still won't have the benefit of hearing  
20 from Commission Staff to review the System Impact Study.

21 So I appreciate your efforts and I  
22 appreciate APS's willingness to make a witness available,  
23 but the real issue is the lack of the System Impact  
24 Study. I think we really need to have the study  
25 completed and evaluated by Commission Staff before I'm

1 prepared to vote for a CEC. I'd like to hear from my  
2 fellow members on what their thoughts or what their  
3 preferences would be.

4 Member Little?

5 MEMBER LITTLE: I agree. I think that the,  
6 you know, what Mr. Spitzkoff would be able to tell us  
7 about what the process is and what the FERC process is, I  
8 think, between Mr. Fontes and I, we could probably tell  
9 you that, what the process is. However, and I agree  
10 completely that we need some kind of a statement, other  
11 than this is what we do. We need some kind of results  
12 for Staff to look at, and then give us a reading on.

13 CHMN STAFFORD: Member Kryder?

14 MEMBER KRYDER: Mr. Chairman, I would move  
15 the following resolution: That the committee request the  
16 spokesperson for APS come in and speak with us tomorrow,  
17 and then we not move any further along at this point. So  
18 this is a two-part resolution, one, that the person comes  
19 in; and two, that we pause at this point and see what  
20 that person has to say.

21 Is there a second?

22 (No response.)

23 MEMBER KRYDER: Nobody seconds it? Okay.

24 MEMBER MERCER: I just have a question  
25 to -- to you.

1 MEMBER KRYDER: You have to second it first  
2 to get it on the table.

3 MEMBER MERCER: I don't want to second it  
4 yet, because I had a question.

5 CHMN STAFFORD: Well, if you had an answer  
6 to your question, would that make you decide whether you  
7 would give the second or not?

8 MEMBER MERCER: Possibly. My question is,  
9 what's the -- what would be the point of having this  
10 person -- this person come in if we are going to have to  
11 wait?

12 MEMBER KRYDER: Mr. Chairman, point of  
13 order?

14 CHMN STAFFORD: Yes, Member Kryder.

15 MEMBER KRYDER: There's a resolution on the  
16 floor, no one can speak to it until that is either dealt  
17 with in one way or another?

18 MR. RICHINS: I don't think that's true.  
19 You can make the motion --

20 CHMN STAFFORD: Yeah, because we were  
21 discussing what to do before the motion was offered, so I  
22 think -- I would like to hear from APS, but the issues  
23 that -- again, they can come and try to explain what's  
24 going on, but they're not going to be able to give us  
25 what we need to move forward if they come in tomorrow.

1                   Because I think we need to have the System  
2 Impact Study, and we need to have it evaluated by  
3 Commission Staff, and that's -- APS could  
4 certainly -- they have to --

5                   MEMBER KRYDER: Excuse me, Mr. Chairman,  
6 there's a resolution on the floor. You can't speak to it  
7 until --

8                   CHMN STAFFORD: I'm not speaking to the  
9 resolution -- I'm not speaking to the resolution, I'm  
10 speaking --

11                  MEMBER KRYDER: Then get it off the table.

12                  CHMN STAFFORD: It's off the table. There  
13 was no second.

14                  MEMBER RICHINS: That's easy.

15                  CHMN STAFFORD: So the problem I'm having  
16 is I don't want to waste the applicant's time. I don't  
17 want to waste the committee members' time to have APS  
18 come in and talk to us, if we're still not going to vote  
19 on the CEC until we see the System Impact Study.

20                  MR. CROCKETT: And, Chairman Stafford, at  
21 the appropriate time, I do have some comments. I'd like  
22 to speak to those points.

23                  CHMN STAFFORD: Unless my fellow members  
24 have something to say, I'll let you give us your  
25 thoughts.

1 MR. CROCKETT: Okay. So over the lunch  
2 hour we were taking a look at the statutes in  
3 ARS Title 40, Section 360, and as you have cited, there's  
4 a statute 40-360.02 that deals with filing of 10-year  
5 plans, and I think you quoted the language from ARS  
6 40-360.02(7), which says that, "The plans for any new  
7 facility shall include a power flow and stability  
8 analysis report showing the effect of the  
9 current" Arizona -- "the effect on the current Arizona  
10 electric transmission system. Transmission owners shall  
11 provide the technical reports, analysis, or basis for  
12 projects that are included for serving customer load  
13 growth in their service territories."

14 And then there is a provision, subsection E  
15 there, that says, "Failure of any person to comply with  
16 the requirements of subsection A, B, or C of this section  
17 may, in the Commission's discretion, in the absence of a  
18 showing of good cause, constitute a ground for refusing  
19 to consider an application of such person." So as I read  
20 that, it's discretionary. And in -- in a case of good  
21 cause, the committee can proceed ahead in the absence of  
22 one of the requirements under 360.02(c).

23 Then next we look at ARS 40-360.06, which  
24 is titled, "The factors to be considered in issuing a  
25 certificate of environmental compatibility." And

1 subsection A says, "The committee" -- and I know this may  
2 be redundant, because I'm sure you know this statute but  
3 for purposes of the record I'll read it -- "The committee  
4 may approve or deny an application and may impose  
5 reasonable conditions on the issuance of a Certificate of  
6 Environmental Compatibility, and in so doing shall  
7 consider the following factors as a basis for its action  
8 with respect to the suitability of either plant or  
9 transmission line siting plans.

10           And so then there are nine factors listed,  
11 and as I read through those nine factors that form the  
12 basis of the committee's decision, none of those include  
13 a System Impact Study. So the way I read the statutes,  
14 and I don't think -- I think this may be a case of first  
15 impression with the Line Siting Committee, I think that  
16 the requirement of a power flow and stability analysis,  
17 and I honestly don't know whether that's the same thing  
18 as a System Impact Study, but I think that the failure to  
19 provide that is not -- is not fatal to the  
20 Commission's ability -- the committee's ability to  
21 proceed ahead and have a hearing and vote on the CEC.  
22 And then again, when I look at the factors that you're to  
23 consider in supporting your decision, they're all factors  
24 that really relate to the land uses, to the environment  
25 protection of natural resources and wildlife, those types

1 of things.

2 And, specifically, you have the authority  
3 to include conditions, and you know that because your  
4 CECs are -- are -- contain a number of conditions.

5 And so, given the situation we're in with  
6 the closure of the Cholla plant, the need there will be  
7 for power in that area, the fact that we've been through  
8 a process here, and that -- the backlog of existing cases  
9 with the Line Siting Committee, again, I would urge the  
10 committee to include whatever conditions the committee  
11 deems necessary to ensure that this project does not in  
12 any way compromise system reliability or safety.

13 And as we've talked about it over the lunch  
14 hour, APS is the gatekeeper here. We have to connect  
15 into the Cholla Substation to do this project. APS is  
16 not going to allow that to happen until they've completed  
17 a System Impact Study and -- and demonstrated that we can  
18 do this, or included whatever kind of construction  
19 requirements or mitigation measures they may place on it.

20 So we are happy to, as a condition of the  
21 CEC, agree to submit, when we get it, a copy of the  
22 System Impact Study. We will submit that to Staff.  
23 Another condition could be that Staff review that System  
24 Impact Study and either confirm or deny that the project  
25 will not negatively impact system reliability or safety.

1 Or such other conditions with regard to that issue, as  
2 this Commission may -- the committee may deem  
3 appropriate.

4 That would preserve all of the work that's  
5 gone into this project up to this date and time. It  
6 would allow us to remain on schedule to bring this  
7 project online, and to replace that power that is going  
8 to be lost with the retirement of the final two units at  
9 Cholla.

10 CHMN STAFFORD: Thank you, Mr. Crockett. I  
11 think that (a)(7) or (9) are implicated by this under the  
12 statute you just cited the 360.06.

13 I'm -- I'm interested to hear from APS, but  
14 the members may feel differently, but I'm not prepared to  
15 vote on a CEC without the System Impact Study being  
16 completed and evaluated by Staff. I think it sets a bad  
17 precedent to -- for the committee to vote for it, to  
18 support a CEC without that information. I think it's  
19 just -- I think it sets a bad precedent. I think this is  
20 something that's important, it should be evaluated, you  
21 know, it's part of our job to make sure these things  
22 happen, and it's to issue the CEC with conditions, and  
23 then if the conditions aren't met, to have to go through  
24 the process to amend or revoke the CEC.

25 You can't -- it's more -- you can't put the



1 genie back in the bottle or the toothpaste in the tube.  
2 I think it's -- I think I'm -- I would like to hear from  
3 APS, but I think that, like I said, I don't want to waste  
4 anybody's time if at the end of the day we're still not  
5 prepared to vote on the CEC.

6 Now, we've gotten through pretty much  
7 everything but this one point. So I think what -- so we  
8 have -- well, we can -- whether or not we hear from APS,  
9 which is a separate issue, I think what we can do now is  
10 if we recess the hearing, we could, everything's -- the  
11 record is -- you've established everything that you need  
12 to establish so far, all that would be left would be to  
13 have a hearing on the System Impact Study and Staff's  
14 evaluation.

15 So you could file that in the docket, Staff  
16 would file their response. We'll have a committee  
17 meeting either sometime in September or October where we  
18 could put it on the agenda, and deal with it then. So  
19 it's -- you wouldn't be starting over. You would be just  
20 pausing this point until the next -- until that System  
21 Impact Study and Staff's evaluation takes place, until  
22 those next steps are taken, and then it would just be  
23 proceed to the finish line at that point.

24 That's the way I see it. Do -- what about  
25 my fellow members, do you think it's worth hearing from

1 APS?

2 MEMBER MERCER: Mr. Chairman?

3 CHMN STAFFORD: Or do you think we should  
4 hold off until we see the Impact Study and Staff's  
5 evaluation?

6 MEMBER MERCER: Mr. Chairman?

7 CHMN STAFFORD: Yes, Member Mercer.

8 MEMBER MERCER: Yeah, it would be, I think,  
9 important to hear from APS, but like you said, are we  
10 just going to be wasting our time or their time if APS  
11 has waited three years to come up with this study. And  
12 so right now the ball is in their court for them to push  
13 for APS to get this done.

14 CHMN STAFFORD: That's the other thing,  
15 I -- perhaps having to come in here and face questions by  
16 the committee would instill in them to find the time to  
17 get the System Impact Study completed. That's -- would  
18 be my hope. I would hope it would be -- we'd get some  
19 commitments from them on what their path forward will be,  
20 as opposed to just explanations for why it hasn't  
21 happened.

22 MEMBER LITTLE: Mr. Chairman?

23 CHMN STAFFORD: Member Little.

24 MEMBER LITTLE: I think hearing from  
25 Mr. Spitzkoff, perhaps remotely this afternoon, would be

1 really informational as far as, you know, there's this  
2 big unknown thing called system impact studies that we  
3 depend upon Staff to validate what is provided by the  
4 applicant, and as we should, and will continue to, but I  
5 think, you know, perhaps having the committee having a  
6 better understanding of what system impact studies means  
7 might be useful. But I also agree that I do not feel  
8 comfortable approving a final CEC until APS has submitted  
9 the impact studies and Staff has commented on them for  
10 us.

11 MEMBER MERCER: I agree with Member Little.

12 MEMBER GOLD: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Gold.

14 MEMBER GOLD: I have a question regarding  
15 this, because I'm new here. Who does the -- who does APS  
16 answer to?

17 CHMN STAFFORD: The Commission, its  
18 shareholders, various other government entities that  
19 regulate it, yeah.

20 MEMBER GOLD: So what you're suggesting, if  
21 I understand it correct, is we have a short delay while  
22 you address the Commission who can direct APS to do  
23 something in a timely manner; is that correct?

24 CHMN STAFFORD: No, no. What we're talking  
25 about is having APS provide a witness at this hearing to

1 discuss the status of the System Impact Study.

2 MEMBER GOLD: But they haven't completed  
3 it.

4 CHMN STAFFORD: Right.

5 MEMBER GOLD: So the witness would simply  
6 confirm that they haven't completed it. That's not what  
7 I'm asking, I'm asking who can direct, who, what body,  
8 directs APS to comply or not comply?

9 CHMN STAFFORD: The Commission, primarily.

10 MEMBER GOLD: And that is who you are going  
11 to take this to is what I think I understood you're  
12 saying that you would do?

13 CHMN STAFFORD: No. What I'm saying is  
14 under the line siting rules, there's the provision to  
15 subpoena witnesses, and because at the onset, you'll  
16 recall that Mr. Crockett has pointed out that APS  
17 declined to participate in this hearing. I just pointed  
18 out there -- we have a mechanism to compel them to  
19 participate in the hearing.

20 MEMBER GOLD: We don't want them to  
21 participate, we want them to comply with their  
22 requirements.

23 CHMN STAFFORD: Right. And I think having  
24 them participate in the hearing may help facilitate their  
25 completion of this study.

1 MEMBER GOLD: I understand where you're  
2 going now. Okay. Thank you.

3 CHMN STAFFORD: So that would be my  
4 druthers. I think while I prefer to hear from him in  
5 person, if we can get him remotely -- he'll be on video,  
6 right, he won't be just a disembodied voice calling in,  
7 correct?

8 MR. CROCKETT: No we will provide the  
9 call-in information to be on the video screens, yes.

10 CHMN STAFFORD: Okay.

11 MR. CROCKETT: And Ms. -- Ms. Benally told  
12 me earlier that she would need a little bit of time to  
13 make arrangements for that to happen, but I think if you  
14 had a time certain, I'll look at my -- it's 2:00 now. I  
15 don't know if maybe if we set a time certain at 3:00  
16 today, I could contact her and make arrangements for that  
17 to happen.

18 CHMN STAFFORD: Let's make it 3:30 to make  
19 sure they have the information, because I -- they need to  
20 be prepared to talk about what steps they've done so far,  
21 how long until the process is complete. I think  
22 October 1st is too long. I think they should be able to  
23 get it done -- I'd like to see them get it done a couple  
24 weeks before that, so by the time October 1st rolls  
25 around Staff would have the ability to comment on it, and

1 then we could get this matter on a meeting before this  
2 committee to get it resolved, finally, and not delay it  
3 too much. Because but for this omission, we would be  
4 prepared to move forward today.

5 So I think it's incumbent upon them to  
6 justify or explain, and I would like to get a commitment  
7 from them when -- a date certain that they're not going  
8 to move to get this thing done, and I want to see it  
9 before October 1st.

10 MEMBER FONTES: Mr. Chairman, if I may  
11 interject here?

12 CHMN STAFFORD: Yes, Member Fontes.

13 MEMBER FONTES: I think that's going to be  
14 challenging for APS. I'm not here to defend them, and I  
15 fully stand by your assertions here. I think APS is  
16 dealing with a queue, not only at this interconnection  
17 request, but others throughout the State of Arizona in  
18 their service territories, certainly.

19 They are using both organic staff resources  
20 and others, consultants, to do these studies. But,  
21 certainly, they rank them, based upon their needs to  
22 service their customer base. While we all point to  
23 Cholla being -- the load going down there, that's minor  
24 in the grand scheme of things. The California  
25 Independent Systems Operator has an energy imbalance

1 market, and that load is already taken care of.

2           Likewise, those load services entities that  
3 take the power have already replaced Cholla's, as you  
4 underscored yesterday, and that was noted. So I think,  
5 in light that we have APS controlling the decision on the  
6 interconnect, I would like to suggest that maybe  
7 Mr. Crockett review what they can and cannot do, but  
8 because I heard all he can do is explain process, which  
9 would be good for our colleagues here on this committee,  
10 so they understand what a System Impact Study is and what  
11 the whole interconnection process, not just the impact of  
12 the SIS, but the whole interconnection process is, what  
13 does that typically entail in Phase I, Phase II, which is  
14 the System Impact Study, and then once Phase III, the  
15 System Engineer Study.

16           That is distinct and unique for each  
17 project, for sure, but I think this committee would  
18 benefit from that to know what it is. If we're going to  
19 ask him to explain process, I doubt that he's going to  
20 give us hard fast dates, to your frustration, and I hear  
21 ya, I know, I deal with this every day, utilities, but I  
22 don't see that. I see that the attorneys, if anything,  
23 caution him not to make commitments, because the queue  
24 and the protocols that they have to adhere to that.

25           Last point, I want to just underscore the

1 factors to be considered in discretionary -- I think  
2 Member Little and you are right, that we should not set a  
3 new precedent by moving forward on a CEC approval. This  
4 could trigger, depending on the outcomes of the System  
5 Impact Study, additional studies that need to be factored  
6 in here for the environmental work. But due to the  
7 proximity to other lines, it could have a systemwide  
8 consideration as well. We just don't know what those  
9 outcomes are.

10 So I'm not looking at it just exclusively  
11 on the project asset, but also on the broader system,  
12 both the APS and the balancing authority that you, Member  
13 Little, pointed out. So I want to put that into the  
14 record here just to support the comments that you make in  
15 how it impacts the utility, and then frame it up for APS,  
16 that we make sure we know what they can and cannot do if  
17 they're going to appear virtually here through the  
18 attorney, so it's clear in terms of expectations, and  
19 then we can have an appropriate question and answer with  
20 the APS lead person.

21 Thank you.

22 CHMN STAFFORD: Thank you, Member Fontes.

23 Mr. Crockett, did they indicate whether  
24 they'd be able to discuss things specifically about  
25 the cluster that they're -- that Obed Meadow is in, how



1 many -- how many other projects are there? How far along  
2 are these projects? I mean, I seem to recall we had a  
3 recent case where the cluster was only two, but they had,  
4 like, eight and six of them were put aside because they  
5 were too nebulous, they weren't -- they weren't fully  
6 baked. They were -- they were too far down the pipeline  
7 to really take -- have an impact on the study of the ones  
8 that were applying for CECs or had a CEC that were moving  
9 forward.

10 So, I mean, that's -- they need to be able  
11 to discuss what's in their queue, how they're managing  
12 it, what the problems are, what their solutions are going  
13 to be. I mean, it seems to me that, you know, they have  
14 a lot of -- they have this huge queue, but some of those  
15 projects are not going to get built, some of them are  
16 just illusory, you know, they're not going to happen.  
17 But this one -- this one's much further along the  
18 process. We're having the CEC hearing. It should be at  
19 the top of the list.

20 MR. CROCKETT: Chairman --

21 CHMN STAFFORD: I don't understand why it's  
22 not.

23 MR. CROCKETT: Chairman Stafford, I will  
24 pass that information along to APS's attorney. I did not  
25 specifically ask that question. She indicated that he

1 would be able to testify as to what the process is. I  
2 asked if he would be able to provide specific information  
3 on this case and this impact, and she said no. But I  
4 would assume that he would be able to talk potentially  
5 about the number of companies in the queue, where they  
6 are in the process, who may be in the cluster, whatever  
7 information is publicly available.

8 I know that some of this information  
9 regarding the queue is confidential, but I will pass that  
10 along that there's an expectation that, if possible, he  
11 address those questions that you just asked.

12 CHMN STAFFORD: Okay. All right. Well,  
13 then, let's take a recess and then come back at 3:30 and  
14 expect to hear from APS at that time.

15 MEMBER RICHINS: Chairman, before we  
16 recess, I don't know, I feel kind of uncomfortable  
17 expecting a snap testimony out of APS. They haven't had  
18 a chance to prepare. I don't think we're going to get  
19 anything that we want out of this testimony. And if it's  
20 not coming in here to tell us that they have their  
21 studies done, I just don't see us getting it -- I don't  
22 see us getting any further.

23 So, you know, I would love to just make a  
24 decision, if we could, and we either decide to put it off  
25 or we come up with another solution to advance this, but

1 I mean, you know, given an hour and a half to testify, I  
2 would feel very uncomfortable being put in that spot, if  
3 I haven't had sufficient time to have my testimony  
4 reviewed by legal.

5 All these companies, they all want  
6 testimony reviewed by their legal departments, they want  
7 all kinds -- and I just think it's kind of asking a lot  
8 of APS to do that. I agree with all the stuff that  
9 you're saying about how it needs to be taken care of, but  
10 I just don't, you know, giving somebody an hour and a  
11 half to come in here and testify, is -- I just think  
12 that's asking a little bit too much. I would rather make  
13 a decision somehow and then revisit it if that's what's  
14 required.

15 CHMN STAFFORD: Well, my understanding is  
16 they volunteered to come in.

17 MR. CROCKETT: That's correct, Chairman  
18 Stafford, they did volunteer to provide a witness.

19 MEMBER RICHINS: Yeah, to tell us what?

20 MR. CROCKETT: Well, again, what -- what  
21 was described as he would provide an explanation of the  
22 process, and why -- why it's taking the time that it's  
23 taking to complete a System Impact Study for this  
24 cluster.

25 MEMBER RICHINS: Does that change the

1 outcome of this hearing?

2 CHMN STAFFORD: No. At least not for me  
3 personally. I stated this several times, when we talked  
4 about the pros and cons of having him show up, because at  
5 the end of the day we're not going to have the results of  
6 the study and Staff's evaluation. So without that, I'm  
7 not prepared to move forward to vote on the CEC. It  
8 sounds like most of the other committee members are in  
9 the same boat as I am.

10 So, I mean, there is -- that aside, there  
11 may be value in hearing from APS at this point. I'm  
12 certainly curious to -- if they can shed any light on why  
13 they said it would be done by a certain date and then it  
14 didn't. What changed? What were the factors that's  
15 going on that's causing this?

16 MEMBER RICHINS: I -- Chairman, I just feel  
17 it would be a better reflection of the professionalism of  
18 this committee to have a more measured request of APS to  
19 have them in a more formal setting come and answer those  
20 questions. And maybe it's the Commission and not the  
21 Line Siting Committee that needs to be asking -- making  
22 those inquiries.

23 I don't know if we're out of bounds asking  
24 it from a committee standpoint. Maybe, maybe not. I  
25 don't know. But doing this on a snap basis makes me feel

1 a little uncomfortable, like I said, he volunteered but I  
2 just --

3 CHMN STAFFORD: They volunteered. We  
4 haven't issued a subpoena for them, if we had, they'd  
5 have significantly more notice to show up to testify and  
6 when the hearing would be.

7 But at this time I'm inclined to let APS  
8 come in here and talk for a half an hour or an hour, and  
9 find out, gain a better understanding of what's going on  
10 here. Because this is something -- we want to avoid this  
11 in the future, we don't want to have CEC hearings where  
12 we're waiting on a System Impact Study, so --

13 MEMBER FONTES: Mr. Chairman, just an  
14 observation, is it -- is it -- and this is perhaps for  
15 Mr. Crockett, is it -- Avangrid makes the determination  
16 to present and file for the CEC when they think they're  
17 ready or is it APS's decision to give them input and a  
18 green light to apply? I think it's the sponsor.

19 CHMN STAFFORD: It's the applicant that  
20 decides when to file. But looking at the correspondence  
21 in the record, when they filed they thought they were  
22 going to have a System Impact Study. And then it got  
23 pushed out, and then it got pushed out again, so  
24 that's --

25 MEMBER FONTES: They get pushed back, and I

1 know from other states that I've worked in, we've had to  
2 delay CEQA, in the California presentations, the  
3 equivalent committees the power plant transmission siting  
4 on the developer side. And so, you know, this is a bit  
5 on the applicant too. The homework should have been done  
6 to know that we would have this as a prerequisite to go  
7 forward. So don't mean to point fingers, just -- but I'm  
8 looking at this as a lesson learned.

9 Thank you, Mr. Chairman.

10 CHMN STAFFORD: Thank you. Any other  
11 comments from members?

12 MEMBER GOLD: Mr. Chairman?

13 CHMN STAFFORD: Member Gold.

14 MEMBER GOLD: I'm, again, new with this,  
15 but I like the comments David at the end has said. Why  
16 doesn't -- would it be proper for him to make a motion to  
17 do just what he says? I mean, I don't know the answer.  
18 I don't know what the proper procedure is.

19 CHMN STAFFORD: I'm the Chairman, I'm  
20 running the hearing, so --

21 MEMBER GOLD: How do I ask David to make it  
22 as a motion?

23 MEMBER RICHINS: No, we just need to --  
24 sometimes we get caught up in our formality, but I love  
25 the robust discussion we're having here. I think it's

1 really healthy. I think it's important that we, you  
2 know, we all have differences of opinions, which is --  
3 which is great. I think we're in alignment on the issue  
4 of the power study. I think the question is whether  
5 there's value in having APS come today.

6 My point is I just feel like let's be very  
7 professional, let's set up a more formal engagement with  
8 APS where they can be fully prepared to come and be  
9 accountable to the ACC on their studies that are required  
10 for these kinds of things. And so that was the only  
11 point I was making, and I don't know if we need consensus  
12 to -- I think the decision before us is do we have APS  
13 come before in an hour and a half or do we not and we  
14 just decide what we're going to do from here and we  
15 adjourn.

16 I would -- I would be in favor of -- of  
17 just making it some kind of a decision, even if it's  
18 putting it off and adjourning, because I just don't think  
19 that it -- I don't think it shows well on the committee  
20 to snap request somebody in here, even if they  
21 volunteered, it just -- I don't think it gives us what we  
22 need.

23 CHMN STAFFORD: Well, this is -- I can't  
24 ever recall a hearing where this has been an issue,  
25 frankly.

1 MEMBER RICHINS: Yeah. I don't discount  
2 it.

3 MEMBER FONTES: Mr. Chairman, perhaps it  
4 allows the Avangrid time a more measured approach to  
5 confer with APS, and then jointly come back with a more  
6 holistic response to the outstanding question, because  
7 it's not just APS, but then, obviously, the project and  
8 the gen-tie line is going to be owned by Avangrid, and  
9 they've got to work together. So in light of our fellow  
10 member's comments here I think maybe a more measured  
11 approach is applicable.

12 MR. CROCKETT: And, Chairman Stafford, if I  
13 could raise a couple of points. So I am -- I'm receiving  
14 a little bit of realtime information here. And I'd like  
15 to explore a little bit further whether or not this would  
16 be unprecedented to approve a CEC without a System Impact  
17 Study. The information I'm getting is that it's not, and  
18 there's a couple of examples of cases that have been  
19 referenced to me. So at least, before this group makes a  
20 final decision, I'd like a little time to go take a look  
21 at some cases and see if there is precedent.

22 But one other comment I would make on  
23 precedent and you've been around the Commission a lot of  
24 years, and I've heard this, this has been droned into my  
25 head, that no Commission decision is precedential, and so



1 I understand the concern of this Commission making a  
2 decision that could be viewed as harmful down the road,  
3 but each case before the Commission, and this CEC, if  
4 approved, will be -- will be stamped or ratified by the  
5 Arizona Corporation Commission. Each case stands on its  
6 own unique facts and circumstances, and this case  
7 certainly has unique facts and circumstances.

8 So, you know, we're trying to keep this  
9 project on track. I've heard everything you've said, I  
10 understand your concerns, and I think, after talking to  
11 APS's attorney, I believe they understand the concerns  
12 here and the situation that we're in.

13 So people are -- I think people are willing  
14 to try to work toward a solution that keeps us moving  
15 forward. We just want to make sure that what we come up  
16 with is -- is obviously consistent with the law, and, you  
17 know, if it turns out that we adjourn this hearing, I  
18 would like to have a little bit more information from you  
19 about whether we could recess this and whether that would  
20 just preserve the status quo until we come back before  
21 the Line Siting Committee, because the very worst thing  
22 that could happen from -- from my client's standpoint  
23 would be to get a decision coming out of this process  
24 denying the CEC, so we have to start this process again  
25 in the future.

1 CHMN STAFFORD: Right. And that is not my  
2 intention. And while you're technically correct that  
3 it's not legally precedential, it does kind of set a  
4 pattern, because you see how when conditions are added to  
5 one CEC, they're added to the subsequent ones. So that's  
6 the kind of thing that I'm talking about. It's not  
7 technically precedential, but it kind of is.

8 MR. CROCKETT: Chairman Stafford, I don't  
9 disagree with what you're saying, but --

10 MEMBER RICHINS: Well, Chairman, maybe  
11 that's a precedent you want to start. If you think about  
12 it, adding that condition for this study on there puts  
13 them on notice, so maybe -- maybe that's how you do that.  
14 Just a thought.

15 CHMN STAFFORD: No. My preference would be  
16 that they have the study and Staff analysis complete  
17 before the hearing begins. That's my preference. That's  
18 what should happen. I'm not anxious to create a  
19 workaround for that.

20 So as -- Mr. Crockett, you said you wanted  
21 a brief recess before we decide whether to call APS?

22 MR. CROCKETT: No, I think if you decide --  
23 if you decide to call APS, I think we'll be in a recess  
24 until 3:30. If you decide not to, as a committee, then I  
25 would, I guess, maybe propose the same recess to be able

1 to look at some of the case law and come back.

2 CHMN STAFFORD: All right. Well, I'm  
3 inclined to hear from APS. I want to hear what happened.  
4 I'd like to have a better understanding of what happened  
5 in this case, why we're not seeing a System Impact Study  
6 at the hearing, and hearing from Staff about their  
7 analysis of it.

8 So we'll take a recess until 3:30 and you  
9 can arrange --

10 MEMBER FONTES: Mr. Chairman, one last  
11 item, if I may?

12 CHMN STAFFORD: Yes, Member Fontes.

13 MEMBER FONTES: I've heard several  
14 references to keeping the project on track. The project  
15 is still in development. You don't really have a project  
16 until you have an offtake contract. So I empathize with  
17 Mr. Crockett's representations that they want to get  
18 there, however, a project without an offtake contract is  
19 really not on any kind of pressed schedule. You have the  
20 offtake contract, I think you've got a little more  
21 credibility with that statement.

22 So I just want to make that observation.  
23 It's still in development. They're not -- they don't  
24 have a set, defined construction schedule or commercial  
25 milestones to -- to rest on. So a little bit of a

1 distinction there.

2 Thank you.

3 MR. CROCKETT: And Chairman Stafford,  
4 Member Fontes, I don't disagree with what you're saying  
5 there, but from what my client has told me, and they can  
6 correct me if I'm wrong, but without a System Impact  
7 Study, it's difficult to get to the point where you have  
8 an offtake agreement. So that's really the, sort of the  
9 fly in the ointment at this point.

10 MEMBER FONTES: Yes, sir. We've got a  
11 poultry problem, you know, the chicken and the egg. But  
12 in the -- the precedent here is we've got to have that  
13 System Impact Study to perform the CEC, so we'll get that  
14 order.

15 CHMN STAFFORD: Okay. Well, then,  
16 Mr. Crockett, reach out to APS and make arrangements with  
17 them to let them know at 3:30 we'll be back on the record  
18 and then --

19 MR. CROCKETT: Oh, wait, just got a text  
20 from Ms. Benally, we're doing this in realtime. She says  
21 he's not available at 3:30, so let me find out when he  
22 would be available. And can I make a phone call quickly,  
23 take a five-minute recess?

24 CHMN STAFFORD: No, let's take a 10-minute  
25 recess, and we'll come back at about 2:30.

1 We stand in recess.

2 MR. CROCKETT: Thank you.

3 (Recessed from 2:19 p.m. until 2:54 p.m.)

4 CHMN STAFFORD: All right. Let's go back  
5 on the record.

6 Mr. Crockett, I believe you have an update  
7 on APS's witness availability?

8 MR. CROCKETT: I do, Chairman Stafford.

9 Mr. Spitzkoff will be available tomorrow on  
10 the video link at 9:00 a.m. to provide some testimony and  
11 answer questions of the Line Siting Committee. I  
12 understand his outside counsel Matt Derstine may also  
13 appear, as well as Linda Benally.

14 CHMN STAFFORD: Excellent. All right. Any  
15 other further comments from members?

16 (No response.)

17 CHMN STAFFORD: Then we'll take a recess  
18 until 9:00 a.m. tomorrow morning.

19 We are now in recess.

20 (The hearing recessed at 2:54 p.m.)

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25

1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )

3

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