

1 BEFORE THE ARIZONA POWER PLANT AND OM-913
2 TRANSMISSION LINE SITING COMMITTEE
3 IN THE MATTER OF THE) DOCKET NO.
4 APPLICATION OF WINCHESTER) L-21256A-23-0199-00223
5 TRANSMISSION, LLC IN)
6 CONFORMANCE WITH THE) LS CASE NO. 223
7 REQUIREMENTS OF ARIZONA)
8 REVISED STATUTES, SECTIONS)
9 40-360, ET. SEQ., FOR A)
CERTIFICATE OF ENVIRONMENTAL)
COMPATIBILITY AUTHORIZING THE)
WINCHESTER TRANSMISSION)
PROJECT LOCATED IN COCHISE)
COUNTY, ARIZONA) OPEN MEETING
) AGENDA ITEM 2

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

At: Phoenix, Arizona
Date: September 26, 2023
Filed: September 29, 2023

REPORTER'S TRANSCRIPT OF PROCEEDINGS
(Pages 1 through 42)

GLENNIE REPORTING SERVICES, LLC
Court Reporting, Video & Videoconferencing
1555 East Oranewood Avenue, Phoenix, AZ 85020
602.266.6535 admin@glennie-reporting.com

By: Robin L. B. Osterode,
CA CSR, RPR
Arizona CR No. 50695

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO PROCEEDINGS

ITEM	PAGE
Opening Statement of Mr. Acken	4
Public Comment Session	8
Deliberations	14
Vote CEC-223-A	38

INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED	ADMITTED
WTP-9	Diagram of a Steel Monopole	7	14
WTP-10	Letter of Support from Trico	10	14
CHM-1	PDF Version of CEC-223	14	FOR REFERENCE
CHM-2	Final Form of CEC-223	14	FOR REFERENCE

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee Open Meeting at 1200 West Washington Street,
5 Phoenix, Arizona, commencing at 9:30 a.m. on
6 September 26, 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 ROMAN FONTES, Counties
(Via Videoconference)
14 MARGARET "TOBY" LITTLE, PE, General Public
(Via Videoconference)
15 COL. JON H. GOLD, General Public

14

15 APPEARANCES:

16 For the Applicant:

17 ALBERT H. ACKEN
18 Acken Law
19 111 East Dunlap Avenue, Suite 1-172
20 Phoenix, Arizona 85020

19

20

21

22

23

24

25

1 CHMN STAFFORD: Let's go back on the
2 record. We move on to Agenda Item Number 2, Winchester,
3 Line Siting Case 223.

4 Mr. Acken, you're appearing on behalf of
5 the applicant?

6 MR. ACKEN: I am, Mr. Chair -- I am,
7 Mr. Chairman. Good noon to you and members of the
8 committee. I'm here on behalf of the applicant,
9 Winchester Transmission, LLC, a subsidiary of Torch Clean
10 Energy. With me at the table are the two witnesses that
11 we had at the evidentiary hearing, Scott Leach, who is
12 the chief commercial officer for Torch, and Dean Hazle of
13 SWCA, who provided testimony regarding public outreach
14 and environmental studies in support of the application.

15 CHMN STAFFORD: Would you like to make an
16 opening statement?

17 MR. ACKEN: Mr. Chairman, I can be pretty
18 brief on this. We certainly appreciate the Committee's
19 time. At the outset I really appreciate the Committee
20 and your willingness to hold this before you as a hearing
21 officer.

22 This is a late-stage development project.
23 This project is very near breaking ground, and so, from a
24 timing standpoint, it was important to get to the process
25 in -- as expeditiously as possible. So while we were the

1 guinea pigs for this hearing officer process, we are
2 grateful for that opportunity.

3 As we testified, as the hearing record
4 showed, this is an approximately 15-mile transmission
5 line to interconnect the Winchester solar and storage
6 project to the regional transmission grid at the existing
7 Winchester substation. All project facilities are
8 located in Cochise County. The transmission project is
9 located almost entirely on state trust land, with a small
10 percentage on the eastern edge of private land that is
11 under the control of the applicant.

12 The project is fully vetted, environmental
13 and interconnection studies are complete, so that puts it
14 in a much better position than some of the last few cases
15 as far as the timing of interconnection studies that have
16 been done. County entitlements are complete, including
17 an amendment process that was done in July.

18 I mentioned private site, private land site
19 control. The interconnection process is nearing its
20 conclusion. We're well past the System Impact Study, the
21 Facility Study. I think we're at closing in on
22 interconnection agreements. So that's a little bit about
23 the timing.

24 An overview of the project, as I mentioned,
25 we had testimony from Mr. Leach and Mr. Hazle, who

1 presented the testimony that this Committee expects to
2 hear for any case. Details about the applicant, the
3 project itself, public notice and outreach and the
4 project's environmental compatibility.

5 This is an area -- the eastern terminus is
6 close to the town of Willcox and then it crosses about
7 14 miles of rangeland in Cochise County before
8 interconnecting at the existing Winchester substation,
9 where there's existing electrical infrastructure, in
10 addition to the electrical infrastructure that the
11 Committee has approved.

12 We, as the testimony showed, we reached out
13 to agencies and other developers in the area, and that
14 includes other utilities with existing and certificated
15 projects, none of whom raised any concerns with the
16 project. This is also -- portions of the project are in
17 Ft. Huachuca's -- I'm going to get the name wrong -- but
18 it's Buffalo Soldier testing ground, it's an electronic
19 testing ground, and so there was direct outreach with
20 Ft. Huachuca representatives, who expressed no concern
21 with the project. And there's an exhibit, at
22 Mr. Kryder's suggestion, we actually entered that e-mail
23 into the record as WTP-8, that goes over the lack of
24 concern from Ft. Huachuca. So really a great project.

25 Two other items I did want to bring to your

1 attention or two potential exhibits. In our closing
2 brief -- so because this is a little atypical, I did file
3 a closing brief on September 1, summarizing the
4 evidentiary record with record cites to facilitate your
5 review. A couple things that we did, you know, one thing
6 that we did in there was we request the ability to use an
7 additional tower type. At the hearing itself we said
8 that we anticipated using wooden H-frame structures, and
9 there were some questions about, you know, using -- the
10 exclusive use of those, and so we went back and we
11 thought about it some more and, well, you know what, we
12 really should give ourselves the flexibility to use steel
13 monopoles as well, and that's primarily for just material
14 access, supply chain issues.

15 And so we included a diagram of a steel
16 monopole that we would like approval for, and so I'd like
17 to have that entered as WTP-9, if possible, and then the
18 last item that is new is -- was filed yesterday, a letter
19 of support from Trico, and I believe the letter is
20 self-authenticating, but I'm happy to put on a witness if
21 you'd like, but this letter is dated September 25th,
22 2023, from Trico, expressing their support for the
23 project. And what they say in paragraph 3 is, "This
24 project is needed to serve the capacity and energy needs
25 of Trico's" 5 -- "50,000 members in Pima, Pinal, and

1 Santa Cruz counties." So -- and then it goes on in
2 additional statements of support.

3 So that's not a letter that this committee
4 sees in every case. I guess in mine about 10 percent of
5 the time do we have a letter such as this actually by the
6 time we get to hearing. So I hope that that further
7 provides support for the need and urgency of this project
8 before you.

9 When we get to discussion of Committee --
10 excuse me -- of the CEC conditions, there's one or two
11 spots where we propose some revisions that we discussed
12 on the record for why we proposed revisions, and I'd be
13 happy to explain those again when we get to that point,
14 but for now those are the comments I'd like to make and
15 happy to answer any questions.

16 CHMN STAFFORD: Thank you, Mr. Acken.

17 Are there any members of the public who
18 wish to speak to this agenda item, either in person or on
19 the phone or on WebEx?

20 (No response.)

21 CHMN STAFFORD: Hearing none, questions
22 from members?

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

25 CHMN STAFFORD: Yes, Member Fontes.

1 MEMBER FONTES: Can you refresh us on who
2 the offtake is with? Second, are there any linear
3 crossings or other parallel infrastructure projects that
4 we should be aware of? And then, lastly, who is going to
5 operate the transmission, in terms of the NERC filing
6 and -- balancing authority as well, if you could cover
7 those, that seemed to be missing, and I don't remember
8 from the initial presentation. Appreciate it.

9 MR. ACKEN: Thank you, Chairman, Member
10 Fontes. I'll address a couple of those, and then I may
11 ask Mr. Leach to address the last point.

12 As it relates to other infrastructure in
13 the area, the line itself until it approaches the
14 Winchester substation is -- is not paralleling existing
15 infrastructure, but as it approaches Winchester
16 substation, it will parallel to existing certificated
17 transmission lines and one existing. The two
18 certificated are the two SunZia lines, one is now known
19 as El Rio Sol, the other is still SunZia, as well as
20 existing TEP lines. I said existing in the singular, I
21 think there's multiple ones that are in that corridor.

22 So Mr. Hazle pointed me to Exhibit A-1(b)
23 land ownership and service jurisdiction, which provides a
24 good depiction of where this project will parallel and
25 then cross other transmission lines. There is that

1 standard CEC condition about being in parallel to natural
2 gas facilities that's not at issue in this project,
3 however, we still do have that existing condition, that
4 standard condition, if you will. If that were to change,
5 it would be addressed.

6 As far as offtakers, the testimony was, by
7 Mr. Leach, that there's -- that the applicant was in
8 late-stage confidential discussions with offtakers, and
9 so I can't tell you the names of who those were, but I
10 would, again, point you in the direction of WTP-10, and
11 ask that it be admitted, and you could draw conclusions
12 from that letter.

13 The third question you asked was about
14 operation of the project and, Mr. Leach, if you could
15 speak to who and how it will actually be operated.

16 MR. LEACH: Thank you. The -- the
17 transmission line will be operated by owners of the -- of
18 the energy facility, operated and maintained.

19 MEMBER FONTES: So they're going to build,
20 own, and operate?

21 MR. LEACH: Yes, sir.

22 MEMBER FONTES: Okay. Thank you.

23 With respect to SunZia, I'll note that that
24 is under construction. Do those lines parallel or go
25 under the SunZia lines, because that will not be

1 constructed by Pattern Energy for at least another
2 12 months in that area.

3 MR. ACKEN: Chairman, Member Fontes, I am
4 very intimately familiar with the SunZia project, having
5 represented them in their siting, both originally and in
6 the amendment.

7 The record in this case is that this
8 applicant spoke with both SunZia Transmission, the owner
9 of line 1, as well as Southwestern Power Group, the owner
10 of line 2, and have had very collaborative, positive
11 discussions about how those projects will all be built,
12 and there will be a crossing of those two lines so that
13 this project can enter the Winchester substation, the two
14 SunZia lines, again, I'm calling them the one SunZia, the
15 one El Rio Sol --

16 MEMBER FONTES: Correct.

17 MR. ACKEN: -- past -- east of the
18 Winchester substation, and so there will be a crossing of
19 this project, but those discussions are already underway.
20 And, again, the feedback is that those -- both entities
21 were appreciative of Torch's outreach and demonstrated a
22 willingness to work collaboratively, so that all projects
23 can move forward.

24 MEMBER FONTES: So can you affirm the
25 Committee that that was factored into the studies that

1 were conducted for environmental work here that serves to
2 inform our CEC determination?

3 MR. ACKEN: Yes, absolutely. I mean, that
4 was part of the --

5 MEMBER FONTES: Thank you.

6 MR. ACKEN: -- SWCA analysis.

7 MEMBER FONTES: Thanks.

8 No further questions, Mr. Chairman.

9 CHMN STAFFORD: Thank you, Member Fontes.

10 Any other questions from members?

11 (No response.)

12 CHMN STAFFORD: Mr. Acken, I believe you
13 wanted to offer two more exhibits?

14 MR. ACKEN: I did, thank you. At this time
15 I would offer WTP-9, which is the metal tower structure,
16 and I'd ask Mr. Hazle to briefly show that.

17 CHMN STAFFORD: Could you provide me with
18 copies, please?

19 MR. ACKEN: We will. For you and the court
20 reporter. And I want to -- so what we're showing on the
21 screen would be WTP-9. This is the potential steel
22 monopole structures that could be used, in part or in
23 whole for the project, in addition or in lieu of the
24 wooden H-frames. WTP-10 was the letter that he was
25 showing previously that was docketed by Trico yesterday

1 in this docket in support of the project.

2 CHMN STAFFORD: As soon as I get my hard
3 copy, I can admit them.

4 MEMBER FRENCH: Mr. Chairman?

5 CHMN STAFFORD: Yes, Member French.

6 MEMBER FRENCH: Mr. Acken, is there a
7 substantial or any difference in tower heights between
8 the steel monopoles and the wooden structures that we
9 previously heard about?

10 MR. ACKEN: There are not. And Mr. Hazle
11 would -- if you'd like to hear from him to get
12 confirmation from the environmental expert on that, I
13 think now would be a good time to do that. But no,
14 they're going to be consistent heights, consistent span
15 lengths, just different material, all well within what
16 was previously -- what was requested originally in the
17 CEC application.

18 So, Mr. Hazle, if you could speak briefly
19 to the -- your environmental assessment of the two
20 different tower types.

21 MR. HAZLE: The tower -- the tower types
22 included in the application are consistent with the steel
23 structures identified in WTP-9, and that's also factored
24 into our visual analysis.

25 MEMBER FRENCH: Thank you.

1 CHMN STAFFORD: All right. WTP-9 and 10
2 are admitted.

3 (Exhibits WTP-9 and WTP-10 were admitted
4 into evidence.)

5 CHMN STAFFORD: Any further questions from
6 members?

7 (No response.)

8 CHMN STAFFORD: All right. Well, we're
9 ready to bring up Chairman Exhibits 1 and 2; 2 being the
10 Word document that we'll be working off of.

11 MR. ACKEN: Mr. Chairman, and Mr. Hazle has
12 hard copies that he will hand out as well to members of
13 the CEC that will be shown on the screen as well.

14 CHMN STAFFORD: Member Drago is on his way
15 over.

16 MEMBER GOLD: The solar project, is that
17 these little lines?

18 MEMBER KRYDER: From my understanding.

19 THE REPORTER: You might want to turn off
20 your microphone.

21 CHMN STAFFORD: Member Kryder and Member
22 Gold, please mute your microphones. Please mute your
23 microphones.

24 All right. Members, have you reviewed the
25 introduction?

1 MEMBER GOLD: Mr. Chairman?

2 CHMN STAFFORD: Yes, Member Gold.

3 MEMBER GOLD: Just one question regarding
4 the map. The solar project that you have -- it looks
5 like a rectangle with -- a black rectangle with a gray
6 rectangle and a white rectangle in it. You have it in
7 your key, where is it on your exhibit, just out of
8 curiosity's sake?

9 MR. ACKEN: I'm sorry, I'm not quite
10 following what you're referring to.

11 MEMBER GOLD: Okay. If you look at Exhibit
12 A --

13 MR. LEACH: I can point it out to you. If
14 you look at the eastern-most corner of this, right north
15 of I-10, the -- the black line with the gray line on the
16 interior, you can see that shape --

17 MEMBER GOLD: Oh, I gotcha. Okay, thank
18 you.

19 MR. LEACH: That's what it is. It's right
20 there. I can see how that's confusing.

21 MEMBER GOLD: Okay.

22 CHMN STAFFORD: Member Drago, do you have
23 the draft CEC in front of you?

24 MEMBER DRAGO: I do.

25 MEMBER GOLD: This is the Solar project.

1 CHMN STAFFORD: If we could get a motion to
2 adopt the introduction, we can entertain motions to amend
3 it.

4 MEMBER KRYDER: Mr. Chairman?

5 CHMN STAFFORD: Yes, Member Kryder.

6 MEMBER KRYDER: I move the approval of the
7 introduction.

8 MEMBER GOLD: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

11 CHMN STAFFORD: I think we'll need to
12 remove Member Somers and Richins from the second
13 paragraph of the introduction.

14 MEMBER KRYDER: Okay. Somers and who?

15 CHMN STAFFORD: Richins.

16 MEMBER KRYDER: Okay.

17 CHMN STAFFORD: And then the last
18 paragraph, I think we want to make conforming changes to
19 this CEC that mirror what we did in the prior case, 222,
20 which would be after -- at the first -- the first
21 paragraph -- the last paragraph of the section, the first
22 line, the "at" should be changed to an "after," so it
23 reads "after the conclusion of the hearing." And then
24 down in line 12 before -- after "seconded," before
25 "voted" insert "at the Line Siting Open Meeting on

1 September 26, 2023."

2 MEMBER KRYDER: He's just changing the
3 dates right here.

4 MEMBER GOLD: Gotcha.

5 MEMBER KRYDER: Inserted the date.

6 CHMN STAFFORD: Before "voted."

7 All right. I think it would be after
8 "voted."

9 MR. HAZLE: Could you please repeat the
10 edit?

11 CHMN STAFFORD: Yeah, it would be "at the
12 Line Siting Open Meeting on September 26, 2023."

13 MEMBER KRYDER: And Mr. Chairman?

14 CHMN STAFFORD: Yes, Member Kryder.

15 MEMBER KRYDER: You'll be inserting, then,
16 the actual vote at the end?

17 CHMN STAFFORD: Yes. Yes.

18 MEMBER KRYDER: With that change, then, I
19 move the approval of the change, as printed on the
20 screen.

21 MEMBER GOLD: I second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

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

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, the
4 amendments are adopted.

5 Would you please move the introduction, as
6 amended?

7 MEMBER KRYDER: Mr. Chairman, I move that
8 the discussion, as amended -- the introduction, as
9 amended, be approved.

10 MEMBER GOLD: And I second again.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

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

19 Moving on to the project description.

20 MEMBER KRYDER: Mr. Chairman, I move that
21 the project description, as shown on the screen, be
22 approved.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 (No response.)

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

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, the project
6 description is adopted.

7 Moving on to conditions. Condition 1.

8 MEMBER KRYDER: Mr. Chairman, I move
9 approval of Condition Number 1.

10 MEMBER GOLD: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 1
18 is adopted.

19 Condition 2.

20 MEMBER MERCER: Mr. Chairman, I move
21 Condition 5 -- I'm sorry, Condition 2.

22 MEMBER GOLD: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

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

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 2

5 is adopted.

6 Condition 3.

7 MEMBER GOLD: I move Condition 3.

8 MEMBER FRENCH: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

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

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Condition 3

16 is adopted.

17 Condition 4.

18 MEMBER GOLD: I move Condition 4.

19 MEMBER MERCER: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 4
2 is adopted.

3 Condition 5.

4 MEMBER KRYDER: Mr. Chairman, I move
5 approval of Condition Number 5.

6 MEMBER GOLD: Second.

7 CHMN STAFFORD: Further discussion?

8 MEMBER KRYDER: Yes, Mr. Chairman. There's
9 the inserted language there, "As recommended in the EDM
10 report Hearing Exhibit," blah, blah, blah. I probably
11 should have made better notes, but I don't remember what
12 that is about.

13 Would you speak to it, please, Bert, or
14 someone?

15 MR. ACKEN: Thank you, Mr. Chairman and
16 Member Kryder, I'm happy to discuss that.

17 So this came about there was a question
18 about the use of what you've heard the term of "ACAS,"
19 Avian Collision Avoidance System, and so there was some
20 question about Game & Fish about its potential use here,
21 given the project is somewhat closely located to the
22 Willcox Playa, so what the applicant did in this case is
23 actually a pretty great story, if you ask me, the
24 applicant went to the experts who developed this
25 technology and asked them, "Should we use this technology

1 here?," and that's the group EDM, and that's the report
2 that's recommended -- that's referenced here in -- that
3 was an exhibit to the application itself, so the Hearing
4 Exhibit WTP-1 -- WTP-1 is the application, and then
5 Exhibit C-5 contains EDM's letter.

6 And so EDM's analysis, you know, they went
7 and looked at it and said given this project's location,
8 the lack of perennial water sources where the
9 transmission line route is located, and its distance from
10 foraging areas from the Sandhill cranes, because that's
11 what the primary concern of the playa is, EDM said we
12 don't think that ACAS system is necessarily appropriate
13 here.

14 It's only been tested, I think, in a few
15 locations on the Platte River in Nebraska, so -- and it
16 appears, based on these early studies, that that's where
17 you want to use it. And where you don't have perennial
18 water, it was their recommendation not to use it.

19 What they did say was there are a handful
20 of stock tanks -- this is a cattle grazing area near the
21 project -- so they said where you're in the general
22 vicinity of those stock tanks, EDM recommended the use of
23 bird diverters. And that's a much simpler, more
24 cost-effective tool so that the birds can see the bird
25 diverters and avoid that.

1 So they recommended that in three
2 locations. That's contained in the report, those
3 specific locations. And the applicant has committed to
4 doing that. And that's what this condition does is
5 memorialize that commitment.

6 Again, one of the nice things about this
7 project being in the late stages is we know tower
8 placements, and so we know exactly where the towers are
9 going to go and so we can say with specificity we're
10 going to put the bird diverters between these two towers,
11 these two towers, and those towers. So that's what this
12 condition is about.

13 MEMBER KRYDER: Well, thank you very much.

14 What -- what -- just give me a little
15 technology on what the bird diverter is, could you?

16 MR. ACKEN: I don't think -- Member Kryder,
17 I'm not sure you want to hear it from the lawyer, my
18 nontechnical answer, but maybe Mr. Hazle can provide a
19 much more educated opinion as to what they are.

20 MR. HAZLE: Bird diverters are commonly
21 used on transmission lines, and they're sometimes
22 referred to as "floppy tags." And it's basically just a
23 reflective tag that's attached to the conductors, and,
24 you know, they kind of sway in the wind and catch the
25 light and that reflection --

1 MEMBER KRYDER: Great.

2 MR. HAZLE: -- sends the birds away.

3 MEMBER KRYDER: I've seen them. Okay,
4 thanks.

5 MR. ACKEN: I was going to use the term
6 "floppy tags," but I didn't realize that was the
7 technical term.

8 MEMBER KRYDER: Very technical.

9 So I -- so where are we with this,
10 Mr. Chairman?

11 CHMN STAFFORD: I believe it was moved and
12 seconded. We were in the middle of further discussion.

13 MEMBER KRYDER: Okay. And I'm finished.

14 CHMN STAFFORD: Right. Any further
15 discussion? Any other questions from members?

16 (No response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 5
23 is adopted.

24 Condition 6.

25 MEMBER KRYDER: Mr. Chairman, I move the

1 Condition Number 6 be approved, as shown on the screen.

2 MEMBER GOLD: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 6
10 is adopted.

11 Condition 7.

12 MEMBER KRYDER: Mr. Chairman, I move

13 Condition Number 7 be approved.

14 MEMBER GOLD: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

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

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 7's
22 adopted.

23 Condition 8.

24 MEMBER GOLD: Mr. Chairman, I move

25 Condition 8.

1 MEMBER KRYDER: Second.

2 CHMN STAFFORD: Further discussion?

3 (No response.)

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

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 8

9 is adopted.

10 Condition 9.

11 MEMBER MERCER: Mr. Chairman, I move

12 Condition 9.

13 MEMBER DRAGO: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 9

21 is adopted.

22 Condition 10.

23 MEMBER GOLD: Mr. Chairman, I move

24 Condition 10.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 10

8 is adopted.

9 Condition 11.

10 MEMBER KRYDER: Mr. Chairman, I move

11 approval of Condition Number 11.

12 MEMBER GOLD: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 11

20 is adopted.

21 Condition 12.

22 MEMBER LITTLE: Mr. Chairman, I move

23 Condition 12.

24 MEMBER MERCER: Second.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 12

7 is adopted.

8 Condition 13.

9 MEMBER GOLD: I move Condition 13.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 13

18 is adopted.

19 Condition 14.

20 MEMBER MERCER: Mr. Chairman --

21 MEMBER LITTLE: Mr. Chairman, I move

22 Condition 14.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 (No response.)

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

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, Condition 14

6 is adopted.

7 Condition 15.

8 MEMBER LITTLE: Mr. Chairman, I move

9 Condition 15.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 15

18 is adopted.

19 Condition 16.

20 MEMBER GOLD: I move Condition 16 be

21 adopted.

22 MEMBER MERCER: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

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

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, Condition 16
5 is adopted.

6 Condition 17.

7 MEMBER KRYDER: Mr. Chairman, I move that
8 Condition 17 be approved.

9 MEMBER GOLD: Second.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

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

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 17
17 is adopted.

18 Condition 18.

19 MEMBER MERCER: Mr. Chairman, I move
20 Condition 18.

21 MEMBER GOLD: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

24 CHMN STAFFORD: Quick question to

25 Mr. Acken, 250 feet wide, that would be the widest part

1 of the right-of-way, correct?

2 MR. ACKEN: Yes, Mr. Chairman, that's
3 correct.

4 As you know, we had proposed to delete this
5 condition, given its lack of, in our view, lack of
6 relevance, but if you are to keep it, 250 is the maximum
7 right-of-way that we have requested.

8 CHMN STAFFORD: Excellent.

9 All in favor say "aye."

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 18
14 is adopted.

15 Condition 19. And, Mr. Acken, the December
16 date, that's the correct one?

17 MR. ACKEN: Yes.

18 CHMN STAFFORD: The compliance filing?

19 MR. ACKEN: Thank you, Mr. Chairman. And
20 sorry for speaking over you. December 1 works.

21 You know, the way I kind of approach this
22 is, well, when do we think we're going to be before the
23 Commission? Let's set it for a year after we finally
24 have the decision. Unless it's, of course, a situation
25 like APS, where you have multiple ones, and you want the

1 same date every year, but December 1 works for this
2 applicant and this project. Thank you.

3 MEMBER KRYDER: In that case, Mr. Chairman,
4 I move approval of Condition 19.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

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

14 Condition 20.

15 MEMBER GOLD: I move Condition 20 be
16 adopted.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

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

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, Condition 20
25 is adopted.

1 Condition 21.

2 MEMBER GOLD: I move Condition 21 be
3 adopted.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Condition 21
12 is adopted.

13 Condition 22.

14 MEMBER GOLD: I move Condition 22.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

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

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

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

23 Condition 23.

24 MEMBER KRYDER: Mr. Chairman, I move
25 Condition 23 be approved.

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: Further discussion?

3 (No response.)

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

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 23
9 is adopted.

10 Moving on to the Findings of Fact and
11 Conclusions of Law.

12 MEMBER KRYDER: Mr. Chairman, I move the
13 approval of Finding of Fact and Condition [sic] of Law
14 Number 1.

15 MEMBER FRENCH: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

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

24 Number 2.

25 MEMBER GOLD: I move Condition 2.

1 MEMBER KRYDER: Finding of Fact.

2 MEMBER GOLD: I'm sorry, Finding of Fact 2,
3 Conclusion 2.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Finding of
12 Fact and Conclusion of Law Number 2 is adopted.

13 Number 3.

14 MEMBER FRENCH: Move Finding 3.

15 MEMBER DRAGO: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Finding of
23 Fact and Conclusion of Law Number 3 is adopted.

24 Number 4.

25 MEMBER KRYDER: Mr. Chairman, I move the

1 approval of Finding of Fact and Conditions of
2 Law -- Conclusions of Law Number 4 be approved.

3 MEMBER GOLD: Second.

4 CHMN STAFFORD: Further discussion?

5 (No response.)

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

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Hearing none, Finding of
11 Fact and Conclusion of Law Number 4 is adopted.

12 Number 5.

13 MEMBER GOLD: Mr. Chairman, I move the
14 Finding of Facts and Conclusion of Law for Number 5 be
15 approved.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

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

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

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

25 Number 6.

1 MEMBER LITTLE: Mr. Chairman, I move
2 Condition Number 6.

3 MEMBER GOLD: Second.

4 MEMBER KRYDER: Finding of Fact and
5 Condition [sic] of Law.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Finding of
13 Fact and Conclusion of Law Number 6 is adopted.

14 Number 7.

15 MEMBER GOLD: Mr. Chairman, I move the
16 Finding of Facts and Conclusions of Law Number 7 be
17 adopted.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

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

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Finding of

1 Fact and Conclusion of Law Number 7 is adopted.

2 Moving on to the Exhibit A.

3 MEMBER GOLD: Mr. Chairman, I move that
4 Exhibit A be accepted and adopted.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Exhibit A is
13 adopted.

14 All right. Can we get a motion to vote on
15 the CEC-223, as amended?

16 MEMBER KRYDER: Mr. Chairman --

17 MEMBER LITTLE: Mr. Chairman, I -- go
18 ahead.

19 CHMN STAFFORD: Member Little?

20 MEMBER LITTLE: Mr. Chairman, I move the
21 CEC, as amended.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Member Drago?

24 MEMBER DRAGO: I vote aye.

25 CHMN STAFFORD: Member French?

1 MEMBER FRENCH: Aye.

2 CHMN STAFFORD: Member Mercer?

3 MEMBER MERCER: I vote aye.

4 CHMN STAFFORD: Member Gold?

5 MEMBER GOLD: Aye.

6 CHMN STAFFORD: Member Kryder?

7 MEMBER KRYDER: Aye.

8 CHMN STAFFORD: Member Fontes?

9 MEMBER FONTES: Aye.

10 CHMN STAFFORD: Member Little?

11 MEMBER LITTLE: Aye.

12 CHMN STAFFORD: And I also vote aye.

13 By a vote of 8 ayes and 0 nays, we have

14 issued CEC-223.

15 I would ask for a motion to allow the chair

16 to make -- to correct any scrivener's errors prior to

17 submitting the final CEC to the Commission.

18 MEMBER MERCER: So moved.

19 MEMBER GOLD: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

22 CHMN STAFFORD: All in favor?

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, the motion
2 carries.

3 Thank you -- thank you, Members. Thank you
4 to the applicant.

5 MR. ACKEN: Thank you, Chairman. Thank
6 you, Members.

7 CHMN STAFFORD: Anything else that you
8 would like to share with us?

9 MR. ACKEN: I really appreciate this
10 process. This was a unique one, and so we had our fears
11 of how it might go. But really appreciate the
12 Committee's support for the process, how many of you
13 showed up to listen at the evidentiary hearing, I thought
14 that was terrific, on your own time. So thank you so
15 much. And really appreciate the opportunity to present
16 this project. And we're excited about it, so thanks.

17 CHMN STAFFORD: Thank you.

18 I'd like to thank my members for supporting
19 me during the hearing officer role. I think that as
20 these matters pick up, I think we will certainly be able
21 to accommodate getting hearings done either before the
22 full committee, before the hearing officer, but there
23 will be no backlog before this Committee. We will not be
24 bottlenecking the process. So thank you --

25 MEMBER LITTLE: Mr. Chairman?

1 CHMN STAFFORD: Yes, Member Little.

2 MEMBER LITTLE: I would just like to say
3 "aloha" to everyone from Hawaii.

4 CHMN STAFFORD: Aloha back to you. And we
5 are jealous.

6 MEMBER DRAGO: I second that.

7 MR. ACKEN: And thank you for taking time.

8 CHMN STAFFORD: Thank you very much.

9 THE REPORTER: Off the record?

10 CHMN STAFFORD: Anything else for the good
11 of the order?

12 (No response.)

13 CHMN STAFFORD: And with that we are
14 adjourned. Thank you.

15 (The proceedings concluded at 12:49 p.m.)

16

17

18

19

20

21

22

23

24

25

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

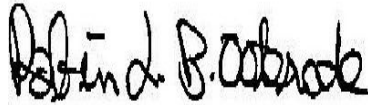
3

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

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

13 I CERTIFY that I have complied with the ethical
14 obligations set forth in ACJA 7-206(F) (3) and ACJA 7-206
15 (J) (1) (g) (1) and (2). Dated at Phoenix, Arizona, this
16 27th day of September, 2023.

17



18 _____
19 ROBIN L. B. OSTERODE, RPR
20 CA CSR No. 7750
21 AZ CR No. 50695

22

23 * * * * *

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

26



27 _____
28 GLENNIE REPORTING SERVICES, LLC
29 Registered Reporting Firm
30 Arizona RRF No. R1035

31