

1 BEFORE THE ARIZONA POWER PLANT AND LS-317

2 TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE ) DOCKET NO.  
 APPLICATION OF WINCHESTER ) L-21256A-23-0199-00223  
 5 TRANSMISSION, LLC IN )  
 CONFORMANCE WITH THE ) LS CASE NO.  
 6 REQUIREMENTS OF ARIZONA ) 223  
 REVISED STATUTES, SECTIONS )  
 7 40-360, ET. SEQ., FOR A )  
 CERTIFICATE OF ENVIRONMENTAL )  
 8 COMPATIBILITY AUTHORIZING THE )  
 WINCHESTER TRANSMISSION )  
 9 PROJECT LOCATED IN COCHISE )  
 COUNTY, ARIZONA ) PREHEARING CONFERENCE  
 10 \_\_\_\_\_ )

11

12 At: Phoenix, Arizona

13 Date: August 11, 2023

14 Filed: August 15, 2023

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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(Pages 1 through 17)

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GLENNIE REPORTING SERVICES, LLC  
 1555 East Orangewood, Phoenix, AZ 85020  
 602-266-6535 admin@glennie-reporting.com

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By: Kathryn A. Blackwelder, RPR  
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(No exhibits were marked.)

1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before  
3 the Arizona Power Plant and Transmission Line Siting  
4 Committee, commencing at 2:04 p.m. on the 11th of  
5 August, 2023, with all participants appearing via  
6 videoconference.

7  
8 BEFORE: ADAM STAFFORD, Chairman

9 APPEARANCES:

10 For the Applicant:

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

15 ALSO PRESENT:

16 Dean Hazle, SWCA  
17 Tom Koronkiewicz, SWCA  
18 Rachael Taylor, Torch Clean Energy  
19 Adam Davis, Torch Clean Energy  
20 Tod Brewer, Assistant to Chairman Stafford  
21  
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1 CHMN. STAFFORD: Now is the time set for the  
2 prehearing conference for the Winchester Transmission  
3 Project, Line Siting Case 223.

4 I'll take appearances, please.

5 MR. ACKEN: Good afternoon, Mr. Chairman.  
6 Bert Acken on behalf of the applicant, Winchester  
7 Transmission, LLC. With me I have Rachael Taylor and  
8 Adam Davis of the applicant's parent company, Torch  
9 Clean Energy. We also have Dean Hazle and Tom  
10 Koronkiewicz of SWCA.

11 CHMN. STAFFORD: Thank you. Now, there have  
12 been no requests to intervene in this matter. I looked  
13 in the docket, and there's nothing.

14 You don't -- you don't anticipate any public  
15 comment or intervention?

16 MR. ACKEN: We do not. We filed -- well, we  
17 didn't file it. We shared with you yesterday, and it  
18 will be a hearing exhibit, the summary of the outreach  
19 efforts we've made since the time of the application,  
20 and you can see how robust that is, and very, very  
21 little engagement from that. So we're not anticipating  
22 any public comment, even -- obviously, we'll be ready  
23 for it, but we're not anticipating any adverse requests  
24 for intervention, interventions at all, or even public  
25 comment at this stage.

1 CHMN. STAFFORD: Just double-checking. You  
2 agree that December 27th, 2023 is the time limit under  
3 the statute for the Committee to act?

4 MR. ACKEN: Yes.

5 CHMN. STAFFORD: And you've complied with the  
6 procedural order and ARS 40-360.04(A), notice to  
7 affected jurisdictions, which are Arizona State Land  
8 Department and Cochise County, correct?

9 MR. ACKEN: I have. And the way that I have  
10 done that, consistent with past practice, is I filed  
11 the notice of affected jurisdictions with dockets, and  
12 then dockets sends out those notices. So we are  
13 aware -- we've confirmed that those notices were sent.

14 CHMN. STAFFORD: Yes, and I'm looking at your  
15 filing here. And then you had -- the publishing was  
16 done in the Herold on July 9th and 12th and the  
17 Republic on July 10th, correct?

18 MR. ACKEN: That's correct.

19 CHMN. STAFFORD: All right. Now, do you have  
20 any objections or additions to the agenda?

21 MR. ACKEN: None whatsoever. You know,  
22 again, we really appreciate you and the Committee  
23 working with us to get us in and we're looking forward  
24 to it next week.

25 CHMN. STAFFORD: Yes. This will be the

1 maiden voyage of the hearing officer process.

2 MR. ACKEN: Happy to be on it with you. Our  
3 objective is to make sure it goes as streamlined and as  
4 efficient as possible.

5 CHMN. STAFFORD: Excellent. So it's next  
6 Wednesday starting at 9:00. I guess we'll go until  
7 you're done presenting your case and then come back at  
8 5:30 for public comment from 5:30 to 6:00. I  
9 anticipate we'll probably go on the record, there will  
10 be nobody there, we'll go off the record until -- we'll  
11 wait until at least 6:00 to give people a chance to  
12 show up and chime in. But if they don't, we'll just  
13 come back at 6:00 and that will be the end of it then.

14 You'll have sign-in forms, I guess, in case  
15 anybody does show up, correct?

16 MR. ACKEN: Yeah, we'll make sure we take  
17 care of that.

18 Mr. Hazle, can you make sure we have that.

19 CHMN. STAFFORD: Now, it's going to be -- it  
20 will be able to be broadcast on the Commission's  
21 website and it will be on WebEx. And you've got the  
22 information for the WebEx and for the call-in numbers  
23 from the Commission?

24 MR. ACKEN: That's correct. So Mike in  
25 communications provided the call-in and the WebEx.

1 That information is, I believe, on our website  
2 currently, the project website. I see Rachael shaking  
3 her head in confirmation, yes.

4 CHMN. STAFFORD: Now, it will just be --  
5 you'll have a panel of two witnesses?

6 MR. ACKEN: That's correct, Mr. Leach and  
7 Mr. Hazle. And that's -- that's how we -- how we plan  
8 to handle it. Because of the location we understand  
9 that, you know, we're going to use one screen, so a  
10 little bit different, but otherwise it should be --  
11 obviously we're going to cover the same contents that  
12 we would in any other CEC hearing.

13 CHMN. STAFFORD: Right. And both your  
14 witnesses will be there physically, correct?

15 MR. ACKEN: That's correct. And we'll have  
16 some other folks available in the room. And then if  
17 we -- if there's a need for back-up witnesses, you  
18 know, maybe we would need to do that remotely, but I  
19 can't anticipate that's going to be necessary. We're  
20 going to have the right people in the room.

21 CHMN. STAFFORD: So you've confirmed with  
22 Mike that you're going to have everything you need to  
23 do your slide presentation and everything?

24 MR. ACKEN: That's right, yes. I'm going to  
25 get there a little early next week just to make sure we

1 have everything set up.

2 CHMN. STAFFORD: Okay. So there won't be a  
3 tour and we should be able to complete it all in that  
4 one day. We've got the witness summaries filed.

5 So I guess, yeah, so just bring -- I guess  
6 we'll need just a hard copy of the exhibits for me, for  
7 our records, and then another one for the court  
8 reporter. You won't have to worry about loading a  
9 bunch of tablets for Members, because they won't be  
10 there.

11 MR. ACKEN: Do you know -- I'm sorry.

12 CHMN. STAFFORD: Just designate them as W-1,  
13 W-2 for your exhibits.

14 MR. ACKEN: Okay. That's what we'll use.

15 CHMN. STAFFORD: Unless you had something  
16 else you prefer to use.

17 MR. ACKEN: I think -- in the procedural  
18 order I think it was WTP, but it's fine. I don't know  
19 that we've marked anything yet.

20 CHMN. STAFFORD: That's fine. WTP is fine.  
21 I couldn't remember if we designated it already.

22 It will be business casual attire for the  
23 hearing.

24 MR. ACKEN: Thank you. It's only going to  
25 be, what, 110, so thank you.



1 CHMN. STAFFORD: Yeah. We dipped down below  
2 it for a minute, but now we're going to go back up.

3 All right. And you've taken care of the  
4 financial arrangements with the Commission?

5 MR. ACKEN: We have.

6 CHMN. STAFFORD: We've gotten the Staff  
7 letter filed. It's good to go.

8 MR. ACKEN: Yes, and that will be one of our  
9 exhibits as well.

10 CHMN. STAFFORD: You've got the proposed --  
11 the draft CEC to me already?

12 MR. ACKEN: Yes, both in Word and docketed.

13 CHMN. STAFFORD: Okay. Now, you've got --  
14 now, for the permit status, there was not a permit  
15 required for the line itself, but there was a special  
16 use permit issued by the County for the solar project,  
17 correct?

18 MR. ACKEN: Correct, and then an amendment  
19 that's also been completed in July.

20 CHMN. STAFFORD: Okay. There's no NEPA  
21 process?

22 MR. ACKEN: That's correct. There is State  
23 land for the transmission line, and that is in process,  
24 anticipated end of year, and we'll provide testimony on  
25 that.

1 CHMN. STAFFORD: Right. And that's -- my  
2 recollection of the application, that it's only  
3 5 percent of the project would be on State land, the  
4 majority is private land?

5 MR. ACKEN: It's actually the reverse on the  
6 transmission. So the first phase of the solar project  
7 is on entirely private land, and that's where that  
8 eastern edge of the transmission corridor is private  
9 land, but then the vast majority of the corridor is on  
10 State land.

11 CHMN. STAFFORD: All right. Any other issues  
12 that, from your perspective, we need to address there,  
13 Mr. Acken?

14 MR. ACKEN: Just one curiosity question from  
15 me. Do you -- have you heard if any Committee Members  
16 might want to listen in, since they can, and are we  
17 going to make sure that the agenda is such that if they  
18 do they can ask questions? I just want to -- I just  
19 want to make sure we're set up for success.

20 CHMN. STAFFORD: To my knowledge, none of  
21 them are planning on attending and they wouldn't be  
22 asking questions. I think a couple may end up viewing  
23 it. If they all show up remotely, then it kind of  
24 defeats the purpose of having the hearing officer do  
25 the hearing if the Committee is all going to show up

1 anyway. But, yeah, I think a couple may be watching,  
2 but none are planning on attending, to my knowledge.

3 MR. ACKEN: Okay.

4 CHMN. STAFFORD: The other thing is, since  
5 this will be just before the hearing officer of the  
6 Committee, you'll be filing a brief after the hearing.  
7 We don't have to set the briefing schedule today.  
8 We'll do that at the end of the hearing. But I just  
9 want to remind you of that so you're -- so you can  
10 anticipate that and be ready to have a -- to let me  
11 know when you want to have the brief in by.

12 MR. ACKEN: Understood. I still -- you know,  
13 I would still very much like to hold the review by the  
14 full Committee on September 8th, when the Committee is  
15 already meeting in Flagstaff on that Friday afternoon,  
16 to the extent that's available. And so, you know,  
17 we'll make sure that the briefing is done on my end and  
18 submit it with adequate time for the Committee to  
19 review.

20 CHMN. STAFFORD: Yeah, about that. We  
21 haven't set that yet, and I don't -- I'm thinking we're  
22 probably not going to do it on the 8th for this one.  
23 Because one of the points of having the hearing officer  
24 do the hearing, and then have a meeting where the  
25 Committee addresses it, is to do more than one agenda

1 item for the Committee meeting, do multiple things  
2 instead of just meeting on each thing individually.

3 So what will probably end up happening is  
4 we'll have to come up with a date for the Committee to  
5 meet, to have the meeting, and they would address both  
6 the Winchester Project and then the Obed Meadow  
7 Project. I think we're looking to put both of those on  
8 the same meeting.

9 MR. ACKEN: I will -- I will ask, you know,  
10 that it be set as soon as possible. We have some  
11 urgency with the schedule for this project, which is  
12 why we're going before you as it is, and so that's why  
13 that 8th was very appealing to us in September. My  
14 understanding, from what I have heard about that other  
15 project, it's got briefing that's not even due until  
16 the 8th and I heard something about a meeting being in  
17 October. And I would very much respectfully ask that  
18 we be heard prior to October by the full Committee.

19 CHMN. STAFFORD: Okay. Well, we'll have  
20 to -- yeah, I think it would be before October. I  
21 think it would probably be later in September, just  
22 after the 8th. Because I think their briefs are due  
23 the 8th, you know, and then I think a week or two after  
24 that we'd be ready to set the next meeting, to put it  
25 on the agenda.

1 MR. ACKEN: Yeah. I think, when I was  
2 looking at the calendar for the Commission meetings,  
3 there's an early November one. I'm going off of memory  
4 right now. I would very much like to be on the  
5 November Open -- Commission Open Meeting for this  
6 project. And of course, as you know, it's got to be 30  
7 days after you docket it. So anything we can do to  
8 make sure that we're on that November Commission  
9 meeting, I would be very grateful and appreciative.

10 CHMN. STAFFORD: So if you can let me know  
11 what the date would be -- the deadline for us to  
12 transmit it to the Commission to get it on that  
13 November meeting. Do you have the -- do you have the  
14 math worked out or the calendaring?

15 MR. ACKEN: I'll pull it up right now if  
16 you're patient with me. And again, of course, it's  
17 subject to change, right, but assuming it does not.

18 CHMN. STAFFORD: Yeah, they have a  
19 contingency date of November 2, don't they?

20 MR. ACKEN: It is earlier November.

21 MR. HAZLE: Would the stand-alone meeting for  
22 Winchester and Obed Meadow be at the ACC offices or at  
23 a different location?

24 CHMN. STAFFORD: Yes. We haven't set that  
25 yet, so I think my goal was to just do it in the same

1 location where we're holding the hearing next week,  
2 in the upstairs conference room at the Commission.  
3 Some Members would probably show up in person, some  
4 would attend remotely, but we'd be able to do it  
5 there.

6 I think the hearing rooms are all booked up  
7 because the APS rate case just got under way and they  
8 have a myriad of other cases going on in Hearing Room  
9 2, it looks like, looking at the Commission calendar,  
10 so I think that room is our best bet. My goal will be  
11 to set it in that same location.

12 MR. ACKEN: So the current schedule for the  
13 November Open Meeting is November 2nd with a  
14 contingency not until November 29th. And so, again,  
15 I'd very -- if we can make that November 2nd Open  
16 Meeting at the Commission. So 30 days before that is,  
17 it would have to be docketed by October 3rd.

18 CHMN. STAFFORD: Okay. So they need a CEC to  
19 the Commission by October 3rd to make the November 2nd  
20 Open Meeting?

21 MR. ACKEN: That's right.

22 CHMN. STAFFORD: That will work. We could --  
23 the Obed Meadow and the Winchester could both be on the  
24 same Committee meeting before October 3rd.

25 MR. ACKEN: Okay. Thank you.

1 CHMN. STAFFORD: It may not be the  
2 September 8th date, but we can get to it certainly  
3 before October 3rd.

4 MR. ACKEN: No, that's fine. Given the  
5 Commission's schedule, that won't affect us, but thank  
6 you for that accommodation if at all possible.

7 CHMN. STAFFORD: Have you posted the  
8 September 8th date on the project website?

9 MR. HAZLE: We posted it on the project  
10 website and put down a few deposits on September 8th  
11 hearing logistics as well. I mean, if the ship has  
12 sailed, we can figure it out. But, you know, it was  
13 sort of choreographed among three developers, so it  
14 might be a little complicated to unwind at this point,  
15 but, you know, we can make it happen.

16 CHMN. STAFFORD: Yeah. Because if it's  
17 saying that there's going to be a meeting on the 8th,  
18 and there's not going to be a meeting on the 8th, the  
19 website shouldn't say there's a meeting on the 8th. So  
20 you'll need to take that off of there.

21 Is that everything, Tod? Do we need to  
22 address anything else?

23 MR. BREWER: I don't believe so,  
24 Mr. Chairman. Thank you.

25 MR. ACKEN: Mr. Chairman, before we go off

1 the record, I just want to see what our notice of  
2 hearing says. Okay. That just references the 16th. I  
3 don't believe it references the subsequent date.

4 CHMN. STAFFORD: No, the notice of hearing  
5 does not. No.

6 MR. ACKEN: Okay.

7 CHMN. STAFFORD: I think it was pointed out  
8 to me that you had the September 8th date on the  
9 project website, so you just need to take that off --

10 MR. ACKEN: Yep, will do.

11 CHMN. STAFFORD: -- until it gets officially  
12 set.

13 So October 3rd, we need it by then.

14 Okay. Is there anything else, Mr. Acken?

15 MR. ACKEN: No, not from me.

16 At this time I'd ask my team, if I've missed  
17 anything or if there's any other questions, now is the  
18 time.

19 (No response.)

20 MR. ACKEN: Hearing nothing. Thank you so  
21 much.

22 CHMN. STAFFORD: Thank you very much. With  
23 that, we are adjourned.

24 (The prehearing conference concluded at  
25 2:21 p.m.)



1 STATE OF ARIZONA )

2 COUNTY OF MARICOPA )

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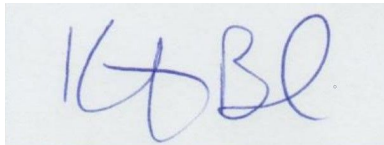
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