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BEFORE THE ARIZONA POWER PLANT

AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION) DOCKET NO.
 OF SOLAR PEPPER POWER, LLC, IN) L-21165A-21-0341-00196
 CONFORMANCE WITH THE REQUIREMENTS)
 OF ARIZONA REVISED STATUTES) LS CASE NO. 196
 40-360, ET SEQ., FOR CERTIFICATES)
 OF ENVIRONMENTAL COMPATIBILITY)
 AUTHORIZING THE SERRANO SOLAR)
 PROJECT GEN-TIE, WHICH INCLUDES)
 THE CONSTRUCTION OF A NEW)
 DOUBLE-CIRCUIT TRANSMISSION LINE)
 AND ASSOCIATED FACILITIES)
 ORIGINATING IN EITHER PIMA OR)
 PINAL COUNTY AND INTERCONNECTING)
 AT THE EXISTING APS SAGUARO)
 FACILITY AND/OR THE EXISTING TEP)
 TORTOLITA SUBSTATION IN PINAL)
 COUNTY, ARIZONA.)
 _____)

At: Tucson, Arizona

Date: December 1, 2021

Filed: December 6, 2021

REPORTER'S TRANSCRIPT OF PROCEEDINGS
 VOLUME II
 (Pages 113 through 161)

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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 at Embassy Suites, 3110 East Skyline Drive,
5 Tucson, Arizona, commencing at 9:15 a.m. on the 1st day
6 of December, 2021.

7

8 BEFORE: PAUL A. KATZ, Chairman

9

10 ZACHARY BRANUM, Arizona Corporation Commission
 (via videoconference)
11 LEONARD DRAGO, Department of Environmental Quality
 JOHN RIGGINS, Arizona Department of Water Resources
12 (via videoconference)
 JAMES PALMER, Agriculture Interests
13 RICK GRINNELL, Counties
 KARL GENTLES, General Public
14 (via videoconference)
 JACK HAENICHEN, General Public
15 MARGARET "TOBY" LITTLE, PE, General Public
 (via videoconference)

16

17

18 APPEARANCES:

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1 CHMN. KATZ: Good morning all. We're ready to
2 resume our hearing in the Longroad/Serrano matter, CEC
3 196 or Case No. 196. And I believe we have some
4 additional witness testimony.

5 Those who are appearing virtually, I want to
6 apologize to you. There were some technical issues that
7 needed to get ironed out so that we could get a good
8 record of these proceedings and could hear one another.
9 So I guess we are ready to begin.

10 Do we know who is here virtually? The same
11 folks that were here yesterday in person are here. I
12 don't know who's appearing today virtually. Can we pull
13 them up.

14 MEMBER LITTLE: Chairman, this is Toby Little.
15 I'm here.

16 CHMN. KATZ: Okay.

17 MEMBER BRANUM: Jack Branum. Thank you.

18 CHMN. KATZ: Anyone else?

19 MEMBER RIGGINS: John Riggins here.

20 CHMN. KATZ: And I don't know if Mr. Gentles is
21 present or not.

22 MEMBER GENTLES: Karl Gentles is present.

23 CHMN. KATZ: Okay. Good morning.

24 Anyway, sorry for the delay in getting started.
25 We had a few technical glitches.

1 I believe that the applicant now is going to
2 put on some additional testimony from the same witnesses
3 that appeared yesterday, all of whom have been affirmed.

4 MR. ACKEN: Thank you, Mr. Chairman, and good
5 morning everyone.

6 I'm glad to see Mr. Gentles on because I
7 believe the extent of our follow-up is in response to
8 questions he raised regarding the number of folks who --
9 I'm going to butcher the terminology here, but -- went on
10 and saw the website and hits on social media. So we did
11 take that as a homework item.

12

13 REBECCA KELLY, DERON LAWRENCE, AND KENDA POLLIO,
14 called as witnesses herein, having been previously
15 affirmed by the Chairman to speak the whole truth and
16 nothing but the truth, were examined and testified as
17 follows:

18

19 DIRECT EXAMINATION (Cont.)

20 BY MR. ACKEN:

21 Q. So, Mr. Lawrence, can you respond to Member
22 Gentles' question about how many folks actually went on
23 the website, responded in the social media context.

24 A. (Mr. Lawrence) Good morning, Mr. Chairman and
25 Committee Members. Yes, I'm going to take this question.

1 We checked in with our webmaster and with our
2 social outreach leads who were consultants for this
3 project, and we were able to get the statistics on that
4 reach. So as mentioned yesterday by Ms. Pollio, the
5 information on Facebook ads were put into three different
6 ZIP codes around the project here, so far wider than just
7 the mile that we showed for the actual mailings that we
8 had.

9 We counted 4,467 Facebook and Instagram
10 impressions. 1,869 is the reach, so the number of ads
11 that went out directly to Facebook people.

12 Additionally, we had five people share the
13 gen-tie proposed project content, and we had three people
14 like the proposed project in the ad. We also had zero
15 negative comments.

16 I'll add that when we put up the webpage, we
17 did count the number of times people viewed that webpage,
18 and we had 33 views of the webpage.

19 CHMN. KATZ: And what was the number -- the
20 1,000 and what?

21 MR. LAWRENCE: 1,869 is the reach. And the
22 reach is the number of times the ad went to a different
23 person on their Facebook page --

24 CHMN. KATZ: Okay.

25 MR. LAWRENCE: -- the number of different

1 Facebook pages.

2 CHMN. KATZ: And the 4,467 were the hits on
3 social media?

4 MR. LAWRENCE: And that's -- yeah, the term is
5 "impressions," which is a count of the number of times it
6 appeared on someone's screen. So --

7 CHMN. KATZ: Got it.

8 MR. LAWRENCE: -- it appeared on someone's
9 phone or someone's computer. It's the number of times it
10 was viewed.

11 CHMN. KATZ: Okay.

12 Does anybody have any follow-up questions from
13 the Committee regarding social media or digital contacts?

14 MEMBER GENTLES: Mr. Chairman, I don't have any
15 further questions. I do appreciate the applicant
16 bringing that forward. It gives us context in terms of
17 conversations outside of the direct conversations you all
18 have. So perhaps in the future, that could be included
19 in the standard packet as you come forward with the
20 public outreach discussion.

21 Thank you.

22 CHMN. KATZ: Thank you.

23 (Off the record for technical issue.)

24 CHMN. KATZ: Okay. Did you have any further
25 testimony that you were going to offer on any other

1 subject matter?

2 MR. ACKEN: Mr. Chairman, at this time I
3 believe that we have addressed all of the Committee
4 Members' questions. I would open to the Committee
5 Members if my understanding is incorrect and they had
6 additional from the Committee, but that concludes our
7 direct case.

8 Before I forget, because I probably should have
9 done this yesterday, I would like to move for the
10 admission of hearing Exhibits Serrano-1 through
11 Serrano-7. And would you like me to go through them
12 individually?

13 CHMN. KATZ: I don't think you need to if
14 they're consistent with what's in -- or would it be
15 helpful to identify them for the record?

16 MR. ACKEN: There were nine exhibits. I am not
17 moving 8 and 9, which are our proposed CECs. In my
18 understanding, what we received from the Chairman are
19 versions that he revised that will be used for the
20 purpose of deliberation today. So we included 8 and 9
21 really as a -- more of demonstrative exhibits for the
22 Committee that I don't feel the need to have them
23 admitted.

24 CHMN. KATZ: And as I discussed yesterday and
25 confirmed with our court reporter, Carolyn, we're going

1 to put up your version that was edited by myself with
2 some assistance from Tod on the left screen, and we're
3 going to leave that there. That will be Chairman
4 Exhibit No. 1. And then Chairman Exhibit No. 2 will be
5 the same document on the right screen. It's the edited
6 version that I edited from what was presented to me by
7 the applicant. The same document will be Chairman 2 as
8 we go through the CEC. And once we have it in final
9 form, we'll take a roll call vote to approve it.

10 And then we'll go to the CEC No. 2, which is
11 almost identical to the first one. And maybe it's up to
12 the Committee, but we might be able to just point out the
13 differences between the first one and second one and
14 approve those rather than going through the entire second
15 CEC line by line.

16 If we could put those up on the screen, we'll
17 get started. And I'm sorry we don't have copies for
18 everybody in the room. Those of you who are here can
19 pull it up on your screen, but it might be easier to just
20 look up above.

21 And it's my understanding, I just need to
22 confirm, these documents are essentially identical, but
23 the CEC-1 is missing on the right. There might be a few
24 other edits as we go forward.

25 And let me just ask you, Mr. Acken, what

1 changes, if any, were made on the documents that are on
2 the screen?

3 MR. ACKEN: Well, I can see they're not quite
4 identical because one says CEC-1 and the other doesn't.
5 But what we took is the pdf that your assistant, Tod,
6 provided, converted it into a Word version so that the
7 Committee could modify it. But there were no changes
8 made.

9 CHMN. KATZ: Right. And I had suggested to Tod
10 that he send it to you in Word. But for security
11 reasons, he didn't want to do that, and I appreciate
12 that.

13 I'm just going to be looking at the one on the
14 right now, and we'll make whatever changes to that one
15 that we need. The document Chair-1 is strictly there for
16 the record, to know what we started with. And when we
17 finish with the one on the right, which is Chair
18 Exhibit 2, that will be the final version, and we'll have
19 you prepare that and email it to Tod and send it to me
20 for signature.

21 MR. ACKEN: I understand, Chairman. Would you
22 like us to start by adding CEC-1 to the one on the right?

23 CHMN. KATZ: I don't think we need to add it.
24 We know what it is. And I don't think we need a motion
25 to add it. If you want to put it up there, we can, just

1 to be consistent.

2 Anyway, let's begin, and the introduction is
3 pretty much standard.

4 Take a look at it, make sure we have the right
5 parties in there. And we don't have -- well, let me just
6 ask you to take a look at page 1, line 12, through page
7 2, line 12. And I believe that we have to strike Mary
8 Hamway from that because she hasn't appeared in these
9 proceedings. So I will do that, and I don't think we
10 need a motion at all to do that.

11 But I would ask the Committee to take a look at
12 it, and if you need some time, take it, but it's pretty
13 much standard. Again, line 12 on page 1 through line 12
14 on page 2.

15 And I would ask the Committee for a motion to
16 approve that portion of the CEC and a second, if we have
17 one.

18 MEMBER HAENICHEN: I'll so move.

19 CHMN. KATZ: Any second?

20 MEMBER PALMER: Second.

21 MEMBER DRAGO: Second.

22 CHMN. KATZ: And we had two seconds, but I'll
23 leave that to Mr. Drago as the second.

24 And that's been approved, and we've stricken
25 Mary Hamway.

1 The next lines, 13 through 18, we will come
2 back to at the very end. That will be our role call vote
3 where we fill in the numbers of folks that voted in favor
4 and those that voted against the approval of this.

5 MEMBER PALMER: Mr. Chairman, I think we had a
6 motion and a second, but I'm not sure voted.

7 CHMN. KATZ: Oh, that's true. Thank you for
8 reminding me. I didn't get a good night's sleep. That's
9 my excuse, anyway.

10 All those in favor of approving this first
11 section, please say "aye."

12 (A chorus of "ayes.")

13 CHMN. KATZ: Anyone opposed?

14 (No response.)

15 CHMN. KATZ: Hearing silence, we will move on
16 to page 2, the Project Overview. And we can take a look
17 at all of No. 2. And if you need some time to review it,
18 please do so. But we'll go through line No. 6 on page --
19 excuse me. I grabbed the wrong page.

20 We'll start on page 2, line 20 -- or 19,
21 through page 3, line 16. And please take a minute to
22 review that, and then we can vote whether or not to
23 approve it. And I will also reread it.

24 MEMBER GRINNELL: Mr. Chairman, can we get page
25 3?

1 MEMBER DRAGO: Call this out instead, because
2 we see 18 through 28.

3 CHMN. KATZ: Our line numbers are different?

4 MEMBER PALMER: No, we just can't see the next
5 page.

6 MR. ACKEN: The line numbers will change as
7 it's edited, so I do think it makes sense to decide which
8 version you're going to use the line numbers for for the
9 record.

10 THE COURT REPORTER: Could I make a comment?

11 CHMN. KATZ: Yes.

12 (Off the record.)

13 CHMN. KATZ: Take a look now at the original
14 document, and that is page 2, line 19, through line 28.
15 I'll make it through line 26. Read it through line 28,
16 and then we'll flip the page.

17 MEMBER PALMER: I would so move, Mr. Chairman,
18 page 2, line 19 through line 28.

19 CHMN. KATZ: Any second?

20 MEMBER PALMER: Second.

21 CHMN. KATZ: All in favor please say "aye."

22 (A chorus of "ayes.")

23 CHMN. KATZ: All opposed.

24 (No response.)

25 CHMN. KATZ: Hearing silence, we'll move on to

1 page 3, which is a continuation from line 27 on page 2
2 through line No. 4 on page 3.

3 And do we have a motion?

4 MEMBER HAENICHEN: I'll move that paragraph.

5 CHMN. KATZ: Second?

6 MEMBER PALMER: Second.

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

8 (A chorus of "ayes.")

9 CHMN. KATZ: Anyone opposed?

10 (No response.)

11 CHMN. KATZ: Moving on, we'll take a look at
12 line 5 on page 3 through line 16. And it just begins:
13 The project route for CEC-1.

14 MEMBER PALMER: Move lines 5 through 16.

15 CHMN. KATZ: Any second?

16 MEMBER BRANUM: Second.

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

18 (A chorus of "ayes.")

19 CHMN. KATZ: Anyone opposed?

20 (No response.)

21 CHMN. KATZ: Now we're going to take a look at
22 the conditions one at a time. And these are, for the
23 most part, standard conditions.

24 And we will begin, then, on page 3, line 17
25 through line 23, paragraph Condition No. 1. And we will

1 delete where it says Case 195. That can be removed.
2 That's just to let you know where that came from or where
3 it was previously used.

4 Any motion for Condition 1?

5 MEMBER HAENICHEN: So moved.

6 MEMBER PALMER: Second.

7 CHMN. KATZ: All in favor.

8 (A chorus of "ayes.")

9 CHMN. KATZ: And I don't know the best way to
10 do this, but now we're looking at line 24 on page 3
11 through line 6 on page 4. And what we'll do is leave it
12 up for a minute or two on page 3 and then flip it to page
13 4 unless we can get it all up.

14 MEMBER HAENICHEN: I move the page 3 portion.

15 CHMN. KATZ: In fact, do we have the whole
16 thing up? Yeah, we have the whole thing up, so we can
17 move for all of it, which is on page 3, line 24, through
18 page 4, line 6. So do we have a motion for the entire --

19 MEMBER HAENICHEN: I'll still move that.

20 CHMN. KATZ: Second?

21 MEMBER PALMER: Second.

22 CHMN. KATZ: All in favor.

23 (A chorus of "ayes.")

24 CHMN. KATZ: Going now to page No. 4, Condition
25 No. 3, lines 7 through 12. It's actually lines 7 through

1 20. And we'll strike the Case 195 from that reference in
2 parentheses. And we have to do that in No. 2 as well.
3 And we just need to make sure we get rid of the
4 parentheticals.

5 Please take a look at Condition No. 3 and take
6 your time to read it.

7 MEMBER GRINNELL: Move Condition 3.

8 MEMBER HAENICHEN: Second.

9 CHMN. KATZ: All in favor.

10 (A chorus of "ayes.")

11 CHMN. KATZ: Anyone opposed?

12 (No response.)

13 CHMN. KATZ: Condition No. 4 begins at page 4,
14 line 22, and goes to line 25.

15 MEMBER PALMER: Move Condition 4.

16 MEMBER GRINNELL: Second.

17 CHMN. KATZ: All in favor.

18 (A chorus of "ayes.")

19 CHMN. KATZ: Anyone opposed?

20 (No response.)

21 CHMN. KATZ: We'll now go to page 4 --

22 Condition 5, page 4, line 26, through page No. 5, line 2.

23 MEMBER HAENICHEN: I move the condition.

24 MEMBER GRINNELL: Second.

25 CHMN. KATZ: All in favor.

1 (A chorus of "ayes.")

2 CHMN. KATZ: We're looking at No. 6 on page 5,
3 line 3 through line 7. And we'll strike the case in
4 parentheses at line 8. This is avian protection.

5 Do you have a motion?

6 MEMBER PALMER: Move Condition 6.

7 MEMBER HAENICHEN: Second.

8 CHMN. KATZ: All in favor.

9 (A chorus of "ayes.")

10 CHMN. KATZ: Anyone opposed?

11 (No response.)

12 CHMN. KATZ: Condition No. 7 begins on line
13 No. 9 on page 5 through line 15. And this is
14 consultation with SHPO, State Historic Preservation
15 Office.

16 MEMBER HAENICHEN: I move Condition 7.

17 CHMN. KATZ: Second?

18 MEMBER PALMER: Second.

19 CHMN. KATZ: All in favor.

20 (A chorus of "ayes.")

21 CHMN. KATZ: Anybody opposed?

22 (No response.)

23 CHMN. KATZ: Condition No. 8 is at line 16 on
24 page 5 through line 18. And this is dealing with Arizona
25 native plants and preservation of those plants.

1 MEMBER PALMER: So moved.

2 MEMBER HAENICHEN: Second.

3 CHMN. KATZ: All in favor.

4 (A chorus of "ayes.")

5 CHMN. KATZ: Anyone opposed?

6 (No response.)

7 CHMN. KATZ: No. 9. That's on page 5, line 19,
8 through page 6, line 3. And, again, we're deleting all
9 the references to the prior case numbers.

10 MEMBER HAENICHEN: I'll move 9.

11 CHMN. KATZ: Second?

12 MEMBER PALMER: Second.

13 CHMN. KATZ: All in favor.

14 (A chorus of "ayes.")

15 CHMN. KATZ: Anyone opposed?

16 (No response.)

17 CHMN. KATZ: Condition No. 10 is on page 6,
18 line 4 through line 9, and it deals with human and
19 funerary remains and objects and giving proper notice.

20 MEMBER PALMER: So moved.

21 MEMBER HAENICHEN: Second.

22 CHMN. KATZ: All in favor.

23 (A chorus of "ayes.")

24 CHMN. KATZ: Anyone opposed?

25 (No response.)

1 CHMN. KATZ: Condition 11 is on page 6, line 9
2 through line 19, and it deals with the posting of signs
3 near public rights-of-way. I don't know how easy that
4 will be. You can't do a lot of them because it's going
5 along I-10. After you review it, anyone want to move
6 that we approve it?

7 MEMBER BRANUM: So moved.

8 MEMBER HAENICHEN: Second.

9 CHMN. KATZ: All in favor.

10 (A chorus of "ayes.")

11 CHMN. KATZ: And, again, that was through line
12 21, if I didn't indicate.

13 Condition 12 begins on that same page 6, line
14 22, and runs onto page 7, line No. 2. And I'm striking
15 line No. 3, which is the parenthetical reference.

16 MEMBER PALMER: Move Condition 12.

17 MEMBER HAENICHEN: Second.

18 CHMN. KATZ: All in favor.

19 (A chorus of "ayes.")

20 CHMN. KATZ: And Condition No. 13 on page 7,
21 line 4 through line 5, dealing with nonspecular
22 conductors and nonreflective surfaces for the
23 transmission line structures.

24 Do we have a motion?

25 MEMBER DRAGO: So moved.

1 MEMBER PALMER: Second.

2 CHMN. KATZ: All in favor.

3 (A chorus of "ayes.")

4 CHMN. KATZ: Anyone opposed?

5 (No response.)

6 CHMN. KATZ: And Condition 14 is line 6 through
7 line 10. We'll strike the parenthetical at line 10.

8 MEMBER PALMER: Move Condition 14.

9 MEMBER HAENICHEN: Second.

10 CHMN. KATZ: All in favor.

11 (A chorus of "ayes.")

12 CHMN. KATZ: Anyone opposed?

13 (No response.)

14 CHMN. KATZ: No. 15 is on page 7, lines 11
15 through 15, and deals with following WECC and NERC.

16 MEMBER HAENICHEN: I'll move 15.

17 MEMBER GRINNELL: Second.

18 CHMN. KATZ: All in favor.

19 (A chorus of "ayes.")

20 CHMN. KATZ: Anyone opposed?

21 (No response.)

22 CHMN. KATZ: Condition 16 is on page 7, line 16
23 through line 18.

24 Any motion to approve?

25 MEMBER GRINNELL: So moved.

1 MEMBER HAENICHEN: Second.

2 CHMN. KATZ: All in favor.

3 (A chorus of "ayes.")

4 CHMN. KATZ: Anyone opposed?

5 (No response.)

6 CHMN. KATZ: Our next condition, I hope we can
7 get it all in, begins at page 7, line 19, and moves on
8 through page No. 8, line 10. And it deals with making
9 sure that we don't cause a natural gas explosion.

10 MEMBER GRINNELL: Mr. Chairman, may I ask a
11 quick question.

12 CHMN. KATZ: Certainly.

13 MEMBER GRINNELL: The gas line that you've
14 referred to, who -- is that functional? Is it being
15 used? Who owns it?

16 MR. ACKEN: I'm going to turn that to my panel.
17 I'm almost certain that it's functional, but whether we
18 know the precise entities, I'll ask Ms. Kelly to address.

19 MS. KELLY: I don't know the owner of that gas
20 pipeline offhand. I could look it up.

21 MEMBER GRINNELL: Is that natural gas or ...

22 MS. KELLY: I believe it is.

23 MEMBER GRINNELL: Is it being used?

24 MS. KELLY: I believe so, but I don't know for
25 certain.

1 MR. ACKEN: So it would be our expectation that
2 this condition does apply absent additional evidence that
3 that is an abandoned line, which would be a surprise for
4 a variety of reasons. They don't typically abandon them
5 once they're in place. Yes, this condition would apply.

6 MEMBER HAENICHEN: And if it is abandoned,
7 there's no harm done in the condition.

8 CHMN. KATZ: Right. The condition certainly --

9 MR. ACKEN: Good point.

10 CHMN. KATZ: Rather be safe than sorry.

11 Anybody want to move approval?

12 MEMBER HAENICHEN: I will move.

13 CHMN. KATZ: Second?

14 MEMBER PALMER: Second.

15 CHMN. KATZ: All in favor.

16 (A chorus of "ayes.")

17 CHMN. KATZ: Anyone opposed?

18 (No response.)

19 CHMN. KATZ: And No. 18 begins on page No. 8,
20 line 12 through line 22, and it requires the annual
21 project compliance letter to the Corporation Commission.
22 And take your time to read it. And when we have a motion
23 to approve, let me know.

24 MR. ACKEN: I will say, I should note on this
25 one that December 1, 2022 date, I don't believe that

1 precise date came from Case 195. We proposed December 1,
2 2022, as approximately 12 months from now, 10 to 11
3 months from Commission review.

4 CHMN. KATZ: Right. And that is always subject
5 to change on project to project. But the verbiage,
6 outside of the date, is all previously used in the prior
7 CEC 195.

8 MR. ACKEN: That's correct.

9 CHMN. KATZ: Any motion?

10 MEMBER HAENICHEN: I'll move 18.

11 MEMBER PALMER: Second.

12 CHMN. KATZ: We have Jack Haenichen moving and
13 Jim Palmer seconding.

14 All in favor.

15 (A chorus of "ayes.")

16 CHMN. KATZ: Anyone opposed?

17 (No response.)

18 CHMN. KATZ: And Condition 19 begins on page 8,
19 line 23 through line 24, requiring the applicant to
20 provide a copy of the final signed Certificate of
21 Environmental Compatibility with the Board of Supervisors
22 for both Pima and Pinal Counties.

23 MEMBER HAENICHEN: I'll move 19.

24 MEMBER DRAGO: Second

25 CHMN. KATZ: All in favor.

1 (A chorus of "ayes.")

2 CHMN. KATZ: No. 8 -- excuse me, page 8,
3 Condition 20, at line 25 through the end of the page,
4 line 28.

5 MEMBER PALMER: Move Condition 20.

6 MEMBER HAENICHEN: Second.

7 CHMN. KATZ: All in favor.

8 (A chorus of "ayes.")

9 CHMN. KATZ: Anyone opposed?

10 (No response.)

11 CHMN. KATZ: Moving on to page 9, Condition 21,
12 which is lines 1 through 4.

13 MEMBER GRINNELL: So moved.

14 MEMBER HAENICHEN: Second.

15 CHMN. KATZ: In favor?

16 (A chorus of "ayes.")

17 CHMN. KATZ: Anyone opposed?

18 (No response.)

19 CHMN. KATZ: We'll move on to No. 22, which is
20 at line No. 5 on page 9 through line 13. Just affirms
21 that this certificate, once it's approved, will be
22 binding on the applicant, its successors and assigns,
23 etc.

24 Any motion?

25 MEMBER GRINNELL: So moved.

1 MEMBER HAENICHEN: Second.

2 CHMN. KATZ: All in favor.

3 (A chorus of "ayes.")

4 CHMN. KATZ: Anyone opposed?

5 (No response.)

6 CHMN. KATZ: Condition No. 23, line 14 through
7 line 18 on page 9.

8 MEMBER HAENICHEN: I move 23.

9 MEMBER GRINNELL: Second.

10 CHMN. KATZ: All in favor.

11 (A chorus of "ayes.")

12 CHMN. KATZ: Excuse my coughing. My allergies
13 are just terrible.

14 Anyway, now we go to the Findings of Fact and
15 Conclusions of Law. And the first one begins on line 19
16 through line 22. The project aids the state and
17 southwest region in meeting the need for an adequate,
18 economical, and reliable supply of electricity.

19 Any motion?

20 MEMBER DRAGO: So moved.

21 MEMBER HAENICHEN: Second.

22 CHMN. KATZ: All in favor.

23 (A chorus of "ayes.")

24 CHMN. KATZ: All opposed?

25 (No response.)

1 CHMN. KATZ: No. 2 begins at line 23 on page 9
2 through line 24.

3 MEMBER PALMER: Move Finding of Fact 2.

4 MEMBER GRINNELL: Second.

5 CHMN. KATZ: All in favor.

6 (A chorus of "ayes.")

7 CHMN. KATZ: The next is No. 3 at line 25
8 through line 26 on page 9 dealing with environmental
9 compatibility.

10 Any motion?

11 MEMBER GRINNELL: So moved.

12 MEMBER HAENICHEN: Second.

13 CHMN. KATZ: All in favor.

14 (A chorus of "ayes.")

15 CHMN. KATZ: No. 4 is on line 27 and 28 of page
16 9. And this is just the agreement that the project will
17 minimize impact on environmental and ecological matters.

18 Any motion?

19 MEMBER HAENICHEN: I move 4.

20 MEMBER GRINNELL: Second.

21 CHMN. KATZ: Okay. Did you get that, Carolyn?

22 All in favor.

23 (A chorus of "ayes.")

24 CHMN. KATZ: All opposed?

25 (No response.)

1 CHMN. KATZ: Condition No. 5 is on page 10,
2 line 1 through 4.

3 Any motion?

4 MEMBER GRINNELL: So moved.

5 MEMBER HAENICHEN: Second.

6 CHMN. KATZ: Any opposed?

7 Oh, excuse me. All in favor.

8 (A chorus of "ayes.")

9 CHMN. KATZ: Any opposition?

10 (No response.)

11 CHMN. KATZ: We will go on, then, to our final
12 Finding of Fact and Conclusion of Law on page 10, lines 6
13 through -- excuse me -- line 5 through line 7.

14 MEMBER PALMER: I move Finding 6.

15 MEMBER HAENICHEN: Second.

16 CHMN. KATZ: All in favor.

17 (A chorus of "ayes.")

18 CHMN. KATZ: All opposed?

19 (No response.)

20 CHMN. KATZ: I hear no one.

21 I also want to make sure -- I don't remember
22 which condition it was in -- that we had a requirement of
23 posting the CEC on digital media.

24 Yes. It is in Condition No. 11, lines 20
25 through 21. The applicant shall make every reasonable

1 effort to communicate the decision either approving or
2 disapproving the decision in digital media. And that was
3 already approved as the Condition No. 11.

4 Are there any other matters that we need to
5 take care of regarding -- does applicant have any
6 comments or concerns? Because we're going to need to
7 take a vote on a roll call basis.

8 MR. ACKEN: Mr. Chairman, thank you for the
9 opportunity to comment, but no comments or concerns.
10 This looks consistent with the discussion today.

11 Thank you.

12 MEMBER HAENICHEN: Mr. Chairman.

13 CHMN. KATZ: Yes.

14 MEMBER HAENICHEN: I'd like to make a
15 statement.

16 CHMN. KATZ: Please do.

17 MEMBER HAENICHEN: I believe this project is
18 prototypical of what we're going to see in the future as
19 we move further into renewable energy, like solar and
20 wind. We all know that these resources, generation
21 resources, suffer from the fact that they're
22 intermittent. The sun, in particular, goes away all
23 night. And we're happy to see that this applicant has
24 put in some storage to make that usable and not wasteful
25 when the sun is at a peak and there's too much

1 generation.

2 What's been missing in this hearing and others
3 like it so far is how they sized the storage facility,
4 the methodology they used. And what we want to know is,
5 is there enough there? And if there isn't, are they
6 going to supplement it?

7 So it's too late to have any bearing on this
8 case, but I hope in the future, applicants will provide a
9 rigorous discussion of this fact when we get to it.

10 Thank you.

11 CHMN. KATZ: That's something we all ought to
12 take into consideration to make sure, when we're doing a
13 solar or wind project, that there's adequate storage or
14 we know how much storage is available. But we're not
15 going to go back there today. But I think it's a good
16 thing for us to start noting.

17 And, obviously, we have no jurisdiction to
18 regulate, as you well know, Mr. Haenichen, solar and wind
19 power generation facilities. All we do is agree that you
20 should or shouldn't be integrated into the grid.

21 MEMBER HAENICHEN: Well, do we have any
22 jurisdiction over storage?

23 CHMN. KATZ: No. But I think we can address
24 it, like we require -- when we get into storage, we have,
25 in the past, required explanations that the battery

1 system is safe and is up to current standards. But we
2 can't -- all we can do is if we don't feel the facility
3 is adequate, we can always deny a CEC.

4 MEMBER HAENICHEN: Let me ask this question:
5 Could we put in a condition on cases like this that
6 should the applicant find that the storage they proposed
7 and that was approved by the Committee is inadequate,
8 that they make every reasonable effort to increase it?

9 MEMBER GRINNELL: I don't think that's within
10 our jurisdiction, is it, Mr. Chairman? That's a conflict
11 that I think we've discussed before. We have no
12 authority or no jurisdiction over solar or the battery
13 storage or wind.

14 So what we're being asked to do is literally,
15 in the blind, to a certain degree, just say, Okay, you
16 can answer hook up to our power source. But we really
17 are not fully informed of the position of the power
18 source, what the pros and cons are, and we are sort of
19 being stuck in the middle between the authorities of the
20 power, the solar and wind and the battery storage, and
21 then the connection.

22 So we are sort of having to be confident that
23 the approval of the power source is adequate and safe.
24 And that leaves us in a sort of a -- you know -- and in
25 this case, the actual -- we had an example of what it's

1 going to look like, but we really don't know what it is.

2 And that leaves us, you know -- I mean, the
3 credibility of the company and the people representing it
4 is not the question. The real concern that I have is
5 that we're being asked to approve something without
6 really knowing the full implications of the gen-tie.
7 We're being asked to say, Yeah, we trust, without knowing
8 all the information.

9 And I think, for future, we might want to ask
10 the Commission itself, the Corporation Commission, to
11 sort of address this so it gets us a little more
12 understanding of what we're dealing with. And I know
13 that probably the providers of solar and wind are going
14 to say, We don't want to go there. But it puts us in a
15 conflict to a degree, and the public and the Commission
16 is depending on us to give them a full understanding of
17 what this project is without really having a full
18 understanding of what this project is.

19 MEMBER HAENICHEN: Mr. Chairman, if I may.

20 CHMN. KATZ: Yes.

21 MEMBER HAENICHEN: It's in the best interest of
22 applicants like this to have storage that matches exactly
23 because, otherwise, they're going to be wasting some of
24 the energy at the peak, particularly in the case of
25 solar. And they've spent a lot of money putting in that

1 number of panels, if you will, and they want to be sure
2 that it's utilized. So it's in their best interest to do
3 this. So maybe we can rely on that.

4 CHMN. KATZ: I think it is in their best
5 interest to do it. But the utility companies that they
6 hook up with, such as TEP, APS, SRP, to name a few, may
7 have some concerns about the facility that we have no
8 jurisdiction over. And I don't think we can compel a
9 solar plant to have adequate storage. As much as I'd
10 like to see that done, I don't think we can compel them
11 to do anything about it.

12 Our real concern is that this project would be
13 safe for the community and going to be safe for the
14 environment and the other things that are required to be
15 protected. And we've had adequate testimony on that, but
16 I don't think we can control how much battery storage
17 that a particular solar system has. And that may be a
18 concern that we want to bring up to the Corporation
19 Commission and let them wrestle with it, but I don't
20 think we can put a condition in the CEC.

21 MEMBER HAENICHEN: No. What I'm suggesting is
22 I believe it's in the best interest of the applicants in
23 these cases, and they themselves will say, Gee, we better
24 put more storage in because, otherwise, we're not matched
25 up with the large number of panels we put in to generate

1 the electricity. So I'm pretty confident that that will
2 work out naturally.

3 MEMBER GRINNELL: And we'll hear -- if I may.
4 And I don't want to drag this through the mud, but
5 whoever is approving the solar panel development, the
6 authority that does that, we don't have that
7 documentation available to us. And maybe we can inject
8 that when these companies are coming forward with wind or
9 solar or battery storage, the authority that approves
10 that facility, that physical, provides us with the
11 information that we're requesting so that we can say,
12 Okay, yes, this meets our concerns, and we feel confident
13 and safe by authorizing the connection.

14 MEMBER HAENICHEN: If I may, I don't think
15 there is any authority.

16 MEMBER PALMER: That's correct.

17 CHMN. KATZ: That's right.

18 MEMBER HAENICHEN: The applicant themselves
19 made all those decisions.

20 MEMBER PALMER: And I think not even the
21 Commission can do that. That would take statutory change
22 from the legislature to enact that. The Commission doesn't
23 enact laws, and the laws that we are governed under were
24 written before there was solar and before there was wind.
25 So we're dealing with a void in regulatory control. And

1 until the legislature decides to address that, it is what
2 it is, and I don't see that coming anytime soon.

3 MEMBER GRINNELL: But who has the regulatory
4 authority, the group?

5 MEMBER PALMER: There is none. Only the local
6 government can approve the building permit or the zoning
7 change, but there is no regulatory authority on that.

8 MEMBER HAENICHEN: There is none.

9 CHMN. KATZ: And we're not going to solve that
10 issue here.

11 MEMBER GRINNELL: No, it's not, but this is a
12 real concern for the future. I mean, we're talking about
13 a new dynamic that is going to occur throughout the whole
14 country, not just Arizona.

15 MR. ACKEN: I would love to provide just a
16 little context. I can certainly agree on the
17 jurisdictional limitations. But I represent a number of
18 entities such as Longroad who are entering into power
19 purchase agreements with Arizona utilities. I also
20 represent Arizona utilities who are looking to acquire
21 more resources.

22 I can tell you, to Member Haenichen's point,
23 interests are aligned. Everybody wants the most
24 efficient use of solar resources possible.

25 The other thing I would point out is not every

1 project is going to be the same depending on a utility's
2 needs at that specific time and at that specific
3 location. One utility may have a need for a strict solar
4 project. They might not need a battery. And that might
5 not be part of their specific PPA. Or they may have a
6 PPA that says, Yes, this is a storage project, not a
7 solar.

8 And so what applicants such as Longroad are
9 doing are responding to the market request of their
10 customers, and it is the regulated utilities who manage
11 the system and are responsible to provide power to their
12 customers who are able to make those choices and say,
13 This is what we need to ensure the most efficient use of
14 our system.

15 So kind of a long-winded way of saying I agree
16 with this conversation. I would just note that because
17 you're going to see a lot of them, as you point out.
18 They're not all going to look alike for that reason.

19 CHMN. KATZ: Any other comments about this
20 subject matter?

21 We do need to take a vote as to whether or not
22 we're going to issue this CEC, and we're going to need to
23 do it by roll call. And the paragraph that we are
24 dealing with appears at page 2, lines 13 through 18.

25 And we need to first have a motion to approve

1 or disapprove the issuance of this CEC and a second, and
2 then I need to take a roll call vote.

3 MEMBER HAENICHEN: I move that we approve this
4 project.

5 CHMN. KATZ: Any second?

6 MEMBER PALMER: Second.

7 CHMN. KATZ: Okay. What I need to do, then, is
8 take a roll call vote.

9 What I want to do is start out with Zachary
10 Branum. How do you vote on this matter?

11 MEMBER BRANUM: Thank you, Chairman. I vote
12 aye.

13 CHMN. KATZ: Mr. Drago.

14 MEMBER DRAGO: I vote eye.

15 CHMN. KATZ: Mr. Riggins.

16 MEMBER RIGGINS: Thank you, Chairman. I vote
17 aye.

18 CHMN. KATZ: Thank you, sir.

19 Mr. Grinnell.

20 MEMBER GRINNELL: I vote aye.

21 CHMN. KATZ: Mr. Palmer.

22 MEMBER PALMER: Thank you, Mr. Chairman.

23 I want to thank the applicant of the witnesses.
24 It was a great case. As hearings go, this one was about
25 as straightforward and easy as any we'll ever see. It's

1 easy to build a line when no one lives around it and no
2 one does anything else around it. So it was pretty
3 straightforward but a well presented case and well
4 organized and well thought out. And with that, I vote
5 aye.

6 CHMN. KATZ: Mr. Gentles.

7 MEMBER GENTLES: Mr. Chairman, I vote aye.

8 CHMN. KATZ: Thank you, sir.

9 Mr. Haenichen.

10 MEMBER HAENICHEN: I vote aye.

11 CHMN. KATZ: And last, but definitely not
12 least, Toby Little.

13 MEMBER LITTLE: Mr. Chairman, I vote aye.

14 Thank you.

15 CHMN. KATZ: Thank you.

16 I will also vote aye.

17 And if my numbers are correct, I think that
18 means that we have voted 8 -- eight of us voted for this
19 project. And I think that's the number of folks we have.

20 Nine?

21 MEMBER HAENICHEN: It's a wrap.

22 CHMN. KATZ: That's nine, correct?

23 MR. ACKEN: Mr. Chairman, there are nine.

24 CHMN. KATZ: Yes. I just verified that as
25 well.

1 So I think we can stand this recess unless
2 there's anything else that either the applicant or APS
3 wishes to put on the record.

4 MR. ACKEN: CEC-2.

5 CHMN. KATZ: CEC-2. That's right. We've got
6 to do that one.

7 CEC-2 deals with the second CEC that's going to
8 be issued. Is this going to be issued to you and then
9 later assigned to APS?

10 MR. ACKEN: Correct.

11 CHMN. KATZ: Is that correct?

12 MR. ACKEN: Yes.

13 CHMN. KATZ: And what I'd like to do is
14 maybe -- are there any differences between CEC-2 and the
15 CEC-1?

16 MR. ACKEN: Very minimal. I think if we go to
17 the description, which I believe starts on page 2,
18 obviously, you would need to remove Mary Hamway.

19 But if we could go to page 2 on the left
20 screen, Project Overview, this is different. It is a
21 mirror image of the CEC-1. This looks identical.

22 Perhaps it's on the next page, page 3. Yes.

23 CHMN. KATZ: There's a blank, though, of so
24 many feet.

25 MR. ACKEN: Yeah. So these two paragraphs are

1 the two differences. Again, it's a mirror image. The
2 blank is actually -- the evidentiary support for that is
3 in the application. I missed it when I submitted it. I
4 think it's .27, .27 miles, or .29, but I'll get the
5 precise --

6 CHMN. KATZ: But it says -- it has north for
7 approximately -- I don't know how many -- are we putting
8 feet or miles?

9 MR. ACKEN: .029 miles is what is in the
10 application. And I can't do that math in my head.

11 CHMN. KATZ: .029?

12 MR. ACKEN: That's correct.

13 0.29.

14 CHMN. KATZ: 0.29.

15 Let me ask, just -- we don't need to take a
16 vote or have a motion yet. I would like to get input
17 from the Committee Members in terms of whether we just --
18 yes, sir.

19 MR. ACKEN: There is one other change, and that
20 is it does not contain Condition 23, as I mentioned
21 yesterday, because Condition 23 is an
22 interconnector-specific condition that wouldn't apply to
23 APS.

24 CHMN. KATZ: Let me ask, we can go through this
25 whole thing line by line if the Committee prefers to do

1 that, or we can just, again, highlight the specific lines
2 and pages that CEC-2 differs from CEC No. 1 and just ask
3 for approval of that and then take a vote on the whole
4 project.

5 MEMBER HAENICHEN: That's the way to do it.

6 CHMN. KATZ: Anybody want to go through it line
7 by line again?

8 (No response.)

9 CHMN. KATZ: I'm not hearing a lot of
10 volunteers.

11 Let's get specific now. What lines do we need
12 to be -- what area -- is it just all of B?

13 MR. ACKEN: No. It would be page 3, lines 1
14 through 11, are somewhat different.

15 CHMN. KATZ: Page 2 is the same?

16 MR. ACKEN: Page 2 is the same.

17 CHMN. KATZ: So get me back again. Page 3,
18 what?

19 MR. ACKEN: Lines 1 through 11.

20 CHMN. KATZ: Okay. So I'd like to see if we
21 can get a motion to approve the Project Overview portion
22 on page 3, lines 1 through 11.

23 And do we need to change that to 0.29 miles
24 instead of feet? And with that one change, do we have a
25 motion to approve the project description or Project

1 Overview, this portion of that, which is different from
2 CEC No. 1?

3 MEMBER PALMER: So moved.

4 MEMBER HAENICHEN: Second.

5 CHMN. KATZ: All in favor.

6 (A chorus of "ayes.")

7 CHMN. KATZ: All opposed?

8 (No response.)

9 CHMN. KATZ: And now we need to -- and just --
10 I have looked at this as well. The rest of this is the
11 same, or is there one additional change that you
12 mentioned?

13 MR. ACKEN: That's correct.

14 CHMN. KATZ: Condition No. 23. We don't have
15 Condition No. 23.

16 MEMBER GRINNELL: Is it in there?

17 CHMN. KATZ: It is not in there.

18 MEMBER GRINNELL: Remind me what it is.

19 MR. ACKEN: Steve's pulling it up on the right
20 screen from CEC-1.

21 CHMN. KATZ: It says: The Applicant shall
22 provide the Commission Staff with copies of the
23 interconnection agreements it ultimately enters into with
24 any transmission providers in Arizona with whom it is
25 interconnecting within 30 days of execution of such

1 agreements with a summary thereof filed at Docket
2 Control, prior to construction of such facilities.

3 And there isn't going to be, correct,
4 interconnection?

5 MR. ACKEN: That's correct. For CEC-2, there's
6 nothing for APS to file that is responsive to this. The
7 interconnection agreement will be filed pursuant to CEC-1
8 by Longroad.

9 MEMBER GRINNELL: And then after that's done,
10 you're transferring ownership to APS; is that correct?

11 MR. ACKEN: Well, I'm not sure it's timed
12 necessarily to the interconnection agreement, but, yes,
13 this will be -- CEC-1 will be transferred to APS. But
14 the point of it is, there's one interconnection
15 agreement, whether there's two CECs, and that one
16 interconnection agreement will be submitted by Longroad
17 pursuant to Condition 23 of CEC-1.

18 MEMBER GRINNELL: But CEC-2 will eventually be
19 transferred to APS, correct?

20 MR. ACKEN: That's correct.

21 MEMBER GRINNELL: So that transfer, I believe,
22 is one of our other conditions. They have to notify the
23 Corporation Commission of the transfer?

24 MR. ACKEN: There is a notification provision
25 for the transfer condition.

1 MEMBER GRINNELL: So you own it. They have to
2 come back and they meet -- I forget which condition it
3 is. When they transfer it, they have to come back and
4 notify the Corporation Commission of the transfer?

5 MR. ACKEN: That's correct. And when I say
6 "they," off the top of my head, I don't know if both
7 parties file one document or how it's done mechanically,
8 but yes.

9 MEMBER GRINNELL: Okay. Thank you.

10 CHMN. KATZ: I'd like to just go ahead, then,
11 and determine whether or not we all agree at page No. 2,
12 lines 13 through 18. I need to take a vote on approving
13 this entire CEC, which has appeared as Exhibit No. --
14 Chair's Exhibit No. 3. And it's basically identical to
15 CEC-1 with certain -- with the changes we've already
16 approved.

17 In other words, we've reviewed the document
18 Chair 3 and have made -- agreed to go ahead with the
19 Chair 4 with those changes.

20 Do I have a motion to approve CEC-2?

21 MEMBER HAENICHEN: Motion to approve 2.

22 CHMN. KATZ: Second?

23 MEMBER GRINNELL: Second.

24 CHMN. KATZ: Is there any further discussion
25 before we take a roll call vote?

1 (No response.)

2 CHMN. KATZ: Hearing silence, I'll go ahead.

3 Mr. Branum, how do you vote?

4 MEMBER BRANUM: I vote aye. Thank you.

5 CHMN. KATZ: Mr. Drago.

6 MEMBER DRAGO: Mr. Chairman, I vote aye.

7 CHMN. KATZ: Mr. Riggins.

8 MEMBER RIGGINS: Thank you, Chairman. I vote
9 aye.

10 CHMN. KATZ: Mr. Grinnell.

11 MEMBER GRINNELL: I vote aye, sir.

12 CHMN. KATZ: Mr. Palmer.

13 MEMBER PALMER: Aye.

14 CHMN. KATZ: Mr. Gentles.

15 MEMBER GENTLES: Aye.

16 CHMN. KATZ: Mr. Haenichen.

17 MEMBER HAENICHEN: Aye.

18 CHMN. KATZ: And Margaret or Toby Little, how
19 do you vote?

20 MEMBER LITTLE: I vote aye, Mr. Chairman.

21 Thank you.

22 CHMN. KATZ: Thank you very much.

23 And if my arithmetic is correct, that makes

24 nine of -- and I vote aye as well. And I did on CEC-1 in

25 case I forgot to say that, but there were nine in favor

1 and no one's opposed. So I think that that wraps us up.

2 MEMBER HAENICHEN: Mr. Chairman.

3 CHMN. KATZ: Yes.

4 MEMBER HAENICHEN: I think there's one thing we
5 need to do. Scrivener's errors, authorizing you to make
6 those -- I don't know the right verbiage for it, but we
7 authorize the Chairman to make any necessary scrivener's
8 errors corrected.

9 CHMN. KATZ: In other words, typographical or
10 scrivener's errors --

11 MEMBER HAENICHEN: Right.

12 CHMN. KATZ: -- because I will review this
13 before it gets signed.

14 MEMBER HAENICHEN: Right.

15 I so move.

16 MEMBER PALMER: I second that motion.

17 CHMN. KATZ: All in favor.

18 (A chorus of "ayes.")

19 CHMN. KATZ: I think that we are done.

20 I want to thank the applicant and APS for
21 cooperatively working with us to get this hearing
22 presented in relatively short and thorough order. And I
23 hope we can continue to keep up the good work in future
24 projects that any of the attorneys or witnesses or
25 parties are involved in in the future.

1 Is there anything else we need to take care of?

2 MR. ACKEN: No.

3 Thank you, Mr. Chairman, Members of the
4 Committee for your time; Carolyn, for your work; and the
5 audio team. We know how busy everyone's been and you
6 will be.

7 So we thank you very much.

8 CHMN. KATZ: Okay. The class is dismissed.

9 (The hearing concluded at 10:18 a.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

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

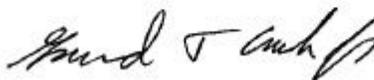
9 I CERTIFY that I am in no way related to any of
10 the parties hereto nor am I in any way interested in the
11 outcome hereof.

12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and ACJA
14 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,
15 this 5th day of December, 2021.

16
17 

18 _____
19 CAROLYN T. SULLIVAN, RPR
20 Arizona Certified Reporter
21 No. 50528

22 I CERTIFY that COASH & COASH, INC., has complied
23 with the ethical obligations set forth in ACJA
24 7-206(J)(1)(g)(1) through (6).

25 

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