

1 BEFORE THE ARIZONA POWER PLANT LS-274

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4	IN THE MATTER OF THE	)	DOCKET NO.
	APPLICATION OF ELEVEN MILE	)	L-21213A-22-0300-00212
5	SOLAR CENTER LLC, IN	)	
	CONFORMANCE WITH THE	)	
6	REQUIREMENTS OF ARIZONA REVISED	)	
	STATUTES 40-360, ET SEQ., FOR A	)	CASE NO. 212
7	CERTIFICATE OF ENVIRONMENTAL	)	
	COMPATIBILITY AUTHORIZING THE	)	
8	CONSTRUCTION OF A 230 kV	)	
	TRANSMISSION LINE OF	)	
9	APPROXIMATELY .3 MILE IN LENGTH	)	
	NEEDED TO CONNECT THE ELEVEN	)	
10	MILE SOLAR CENTER TO THE PINAL	)	EVIDENTIARY HEARING
	CENTRAL SUBSTATION IN PINAL	)	
11	COUNTY, ARIZONA	)	
	_____	)	

12

13 At: Casa Grande, Arizona

14 Date: January 18, 2023

15 Filed: January 23, 2023

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

VOLUME II  
(Pages 133 through 183)

19

20

21

22

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

23

24

25

By: Jennifer Honn, RPR  
Arizona CR No. 50885

1 VOLUME I January 17, 2023 Pages 1 to 132  
2 VOLUME II January 18, 2023 Pages 133 to 182

3

4

5

6

INDEX TO PROCEEDINGS

7

ITEM

PAGE

8

Opening Statement of Mr. Derstine

14

9

Presentation of Virtual Tour

52

10

Closing Statement of Mr. Derstine

114

11

Public Comment Session

120

12

CEC-1 Deliberations

139

13

CEC-1 Vote

173

14

CEC-2 Deliberations

175

15

CEC-2 Vote

178

16

INDEX TO EXAMINATIONS

17

WITNESSES

PAGE

18

AMY SHANAHAN and MARK TURNER - for the Applicant

19

Direct Examination by Mr. Derstine

30

20

21

22

23

24

25

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 EXHIBITS

NO.	DESCRIPTION	IDENTIFIED	ADMITTED
EMS-1	Application For Certificate of Environmental Compatibility (CEC) (filed December 2, 2022) - page one	31	113
EMS-2	Witness Summary of Amy Shanahan (filed January 6, 2023)	109	113
EMS-3	Witness Summary of Mark Turner (filed January 6, 2023)	109	113
EMS-4	Witness Presentation Slides	44	113
EMS-5	Form of CEC 1, Corridor Map and Narrative - Preferred Route	113	NOT MOVED 113
EMS-6	Form of CEC 2, Corridor Map and Narrative - Preferred Route	113	NOT MOVED 113
EMS-7	Affidavit of Publication of Notice of Hearing	90	113
EMS-8	Summary of Public Outreach Efforts (not utilized)	--	--
EMS-9	Proof of Delivery of Application for Certificate of Environmental Compatibility and Transcripts to Public Locations	91	113
EMS-10	Proof of Website Posting	110	113
EMS-11	Proof of Service to Affected Jurisdictions	90	113
EMS-12	Proof of Posting: Photos of Notice of Hearing signs posted at site and map	91	113
EMS-13	Postcard announcing Notice of Hearing	110	113

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 EXHIBITS (cont.)

NO.	DESCRIPTION	IDENTIFIED	ADMITTED
EMS-14	Route Tour Itinerary and Map (not utilized)	--	--
EMS-15	Letter in Support from Eloy Chamber of Commerce	110	113
EMS-16	Letter in Support from James and Kristi Passig	111	113
EMS-17	Commission Staff Letter dated January 9, 2023	112	113
EMS-18	Letter in Support from Insight Land and Investments	112	113
CHMN-1	Draft CEC-1	115	For Reference
CHMN-2	Redline CEC-1	115	For Reference
CHMN-3	Draft CEC-2	115	For Reference
CHMN-4	Redline CEC-2	115	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 at the Radisson Hotel Casa Grande, 777 North  
5 Pinal Avenue, Casa Grande, Arizona, commencing at  
6 10:02 a.m. on January 18, 2023.

7

8 BEFORE: PAUL A. KATZ, Chairman

9 GABRIELA S. MERCER, Arizona Corporation Commission  
10 LEONARD DRAGO, Department of Environmental Quality  
(via videoconference)  
11 DAVID FRENCH, Arizona Department of Water Resources  
12 JAMES PALMER, Agriculture Interests  
MARY HAMWAY, Incorporated Cities and Towns  
13 RICK GRINNELL, Counties  
(via videoconference)  
14 KARL GENTLES, General Public  
(via videoconference)  
15 MARGARET "TOBY" LITTLE, PE, General Public  
(via videoconference)

16

17

APPEARANCES:

18

For the Applicant:

19

SNELL & WILMER  
Matthew Derstine, Esq.  
One East Washington Street  
Suite 2700  
Phoenix, Arizona 85004

20

21

22

23

24

25

// continued

1 APPEARANCES: (Cont.)

2 For Intervenor SunDog Solar Energy Center, LLC:

3 Albert H. Acken, Esq.  
4 ACKEN LAW  
5 111 East Dunlap Avenue  
6 Suite 1-172  
7 Phoenix, Arizona 85020  
8 (via videoconference)

9 and

10 Sarah A. Noe, Esq.  
11 BALLARD SPAHR  
12 One East Washington Street  
13 Suite 2300  
14 Phoenix, Arizona 85004  
15 (via videoconference)

16

17

18

19

20

21

22

23

24

25

1 CHMN KATZ: Good morning, everyone. This is the  
2 time set for deliberations with respect to the two  
3 proposed Certificates of Environmental Compatibility that  
4 are being offered by our applicant in CEC-212.

5 And the record can reflect that I am here in  
6 person, Gabriela Mercer is here and present in person,  
7 Leonard Drago is here in person, David French is  
8 appearing virtually, Mary Hamway is here in person, Rick  
9 Grinnell is appearing virtually, Jim Palmer or James  
10 Palmer is here in person, Mr. Gentles, Karl Gentles is  
11 appearing virtually, and member Toby Little, Margaret  
12 Toby Little is appearing virtually.

13 And I think we're ready to begin.

14 On the right screen, and I don't know whether or  
15 not the virtual folks will have access to it, but won't  
16 need it. Chair Exhibit 1 right now will be the PDF  
17 version. And we're just holding on to it so that the  
18 public and the Corporation Commission knows where we  
19 started, and that will be on the right screen.

20 On the left screen will be Chair Exhibit 2,  
21 which is the Word version that we will work from and edit  
22 as we go forward. And then we will take our vote at an  
23 appropriate time by way of roll call.

24 For our newest member, what we do is go through  
25 sometimes several paragraphs, but we go then through one

1 condition at a time and one finding or conclusion, one at  
2 a time.

3 And we just ask all in favor, all opposed. But  
4 in the end we take a roll call vote with each member  
5 expressing whether or not they approve or disapprove of  
6 the Certificate of Environmental Compatibility.

7 If we want to go ahead you can project on the  
8 right screen the PDF version that we will just leave  
9 alone. And on the left screen will be the one that we  
10 will be working from.

11 Also, the members who are present in person have  
12 hard copies of this document to work from as well. If we  
13 take a look at it, and you might want to scroll up a bit  
14 to the introduction.

15 And if you take a look at that, it just is our  
16 standard public hearing on "January 17 through." We'll  
17 fill in January the 18th.

18 And then keep reading all the way onto the  
19 second page, line 8.

20 And then from lines 9 through 15 on page 2, we  
21 will hold off in approving. That's our final vote.

22 But take a look at this, and then we'll need a  
23 motion to approve the introduction at page 1 through  
24 line 8 of page 2.

25 MEMBER PALMER: I would move approval of those.



1 CHMN KATZ: Is there a second?

2 MR. DERSTINE: Second.

3 CHMN KATZ: Does anybody need any more time to  
4 review this? If not, any discussion? All in favor.

5 (A chorus of "ayes.")

6 CHMN KATZ: Anyone opposed?

7 (No response.)

8 CHMN KATZ: Let's go now to page 2 under  
9 "Project Description," line B, and take a look at that.  
10 Take your time. And we're going on to page 3, line 4.

11 Please take your time to review the description  
12 of the project to make sure that you're comfortable with  
13 it. And there's no rush, but whenever you're ready, one  
14 of you can move to approve the project description  
15 Section B.

16 MEMBER HAMWAY: So move.

17 MEMBER GENTLES: Mr. Chair?

18 CHMN KATZ: Yes, Mr. Gentles.

19 MEMBER GENTLES: Is it possible to make the  
20 screen a little bit bigger?

21 CHMN KATZ: They might be able to. Because of  
22 that --

23 MEMBER HAMWAY: It's the way it was printed.

24 MEMBER GENTLES: Yeah, wider, yeah.

25 CHMN KATZ: Can you see it better now?

1 MEMBER GENTLES: Yes.

2 CHMN KATZ: Okay.

3 MEMBER GENTLES: Maybe even a little bit more.

4 Yeah, there we go. Thank you.

5 CHMN KATZ: Okay. That's fine. Do you need a  
6 few more minutes?

7 MEMBER HAMWAY: So moved.

8 CHMN KATZ: We have a motion. Is there a  
9 second?

10 MEMBER PALMER: Second.

11 CHMN KATZ: Any discussion? All in favor?

12 (A chorus of "ayes.")

13 CHMN KATZ: Anyone opposed?

14 (No response.)

15 CHMN KATZ: That section is approved. Somebody  
16 is crackling when they come on. I don't know what that  
17 issue is, but we can hear you all right.

18 And the next is in the original version is on  
19 page 3, the Project Corridor and Route. And there will  
20 be an Exhibit A, a map that gets attached to this that  
21 shows what that route is. But take a look at that  
22 paragraph C. Project Corridor.

23 MEMBER HAMWAY: I move C, Project Corridor and  
24 Route.

25 CHMN KATZ: Is there a second?

1 MR. DRAGO: Second.

2 CHMN KATZ: Any discussion? All in favor?

3 (A chorus of "ayes.")

4 CHMN KATZ: Anyone opposed?

5 (No response.)

6 CHMN KATZ: We then can go now to the  
7 conditions, and the first -- we're going to do one  
8 condition at a time, and these are fairly standard  
9 conditions that we have in just about every CEC.

10 There's an additional condition, I think number  
11 24 that we'll discuss a little bit later, but we're now  
12 going to Condition No. 1.

13 MEMBER HAMWAY: I move Condition 1.

14 CHMN KATZ: Is there a second?

15 MEMBER PALMER: Second.

16 CHMN KATZ: Any discussion? All in favor?

17 (A chorus of "ayes.")

18 CHMN KATZ: And I don't know if we can widen  
19 that or enlarge it to make sure everybody can see it like  
20 we did before. That's good.

21 CHMN KATZ: All in favor?

22 (A chorus of "ayes.")

23 CHMN KATZ: Anybody opposed?

24 (No response.)

25 CHMN KATZ: Now, Condition 2.

1 MEMBER HAMWAY: Mr. Chairman.

2 CHMN KATZ: Yes.

3 MEMBER HAMWAY: We have a member of the public.

4 CHMN KATZ: If you want to join us, you're  
5 welcome, sir, to sit in the guest chairs over there.  
6 Thank you. Good morning.

7 MEMBER OF THE PUBLIC: Good morning.

8 CHMN KATZ: Condition 2.

9 MEMBER HAMWAY: I move condition 2.

10 MEMBER GRINNELL: -- move condition 2.

11 CHMN KATZ: Second?

12 MEMBER FRENCH: Second.

13 CHMN KATZ: All in favor?

14 (A chorus of "ayes.")

15 CHMN KATZ: Anyone opposed?

16 (No response.)

17 CHMN KATZ: And I don't know -- I don't if it is  
18 the connection of Mr. French, but we get crackle.

19 MR. DERSTINE: It's my understanding from  
20 talking to the AV folks that we're getting some feedback  
21 from Member French's line. Maybe we can take a pause if  
22 he wants to disconnect and then try to reconnect. Maybe  
23 that will correct it. Is that what we should try, guys?  
24 Yeah.

25 CHMN KATZ: We could do that. But we can hear

1 you -- just say something, Mr. French, or David. You're  
2 muted.

3 MR. DERSTINE: Yeah.

4 CHMN KATZ: It's definitely, there's something,  
5 I don't know if you want to --

6 MR. DERSTINE: It's on his line. We can pause a  
7 minute and have him --

8 CHMN KATZ: Pause. Yeah, just disconnect and  
9 then reconnect --

10 MR. DERSTINE: Connect and reconnect. We'll  
11 hold.

12 CHMN KATZ: -- Mr. French.

13 (Brief pause.)

14 MEMBER GENTLES: Looks like he has two lines  
15 going.

16 CHMN KATZ: That might be if he's using both a  
17 computer and a phone. He needs to turn the speakers on  
18 the computer off. Or on the phone. One or the other.

19 Unmute yourself.

20 MEMBER FRENCH: Is that okay?

21 CHMN KATZ: That's much better.

22 MEMBER FRENCH: Great.

23 CHMN KATZ: Okay. Now we're looking at  
24 Condition 3, which has sub parts A through E as well.

25 MEMBER PALMER: I move Condition 3.

1 MEMBER HAMWAY: Second.

2 CHMN KATZ: Any discussion? All in favor?

3 (A chorus of "ayes.")

4 CHMN KATZ: Anyone opposed?

5 (No response.)

6 CHMN KATZ: That passes.

7 Condition 4.

8 MEMBER GRINNELL: So move Condition 4.

9 CHMN KATZ: Is there a second?

10 MEMBER HAMWAY: Second.

11 CHMN KATZ: All in favor?

12 (A chorus of "ayes.")

13 CHMN KATZ: Anyone opposed?

14 (No response.)

15 CHMN KATZ: We'll now go on, I believe it's on

16 page 5, but anyway, Condition 5.

17 MEMBER HAMWAY: I move Condition 5.

18 CHMN KATZ: Is there a second?

19 MEMBER PALMER: Second.

20 CHMN KATZ: All in favor?

21 (A chorus of "ayes.")

22 CHMN KATZ: Anyone opposed?

23 (No response.)

24 CHMN KATZ: Condition 6.

25 And Condition 5 was unanimously approved.

1 And that involves avian progression.

2 MEMBER GENTLES: I move Condition 6.

3 MEMBER HAMWAY: Move Condition 6.

4 CHMN KATZ: Okay. We'll give that one to  
5 Mr. Gentles.

6 MEMBER PALMER: Second.

7 CHMN KATZ: And Jim Palmer seconded it. All in  
8 favor?

9 (A chorus of "ayes.")

10 CHMN KATZ: Is there anyone opposed?

11 (No response.)

12 CHMN KATZ: Condition 7. Deals with the  
13 historic preservation and cultural resources.

14 MEMBER HAMWAY: I move Condition 7.

15 CHMN KATZ: Any second?

16 MEMBER LITTLE: Second.

17 CHMN KATZ: All in favor?

18 (A chorus of "ayes.")

19 CHMN KATZ: Anybody opposed?

20 (No response.)

21 CHMN KATZ: Condition 8.

22 MEMBER PALMER: I move Condition 8.

23 MEMBER HAMWAY: Second.

24 CHMN KATZ: Any discussion? All in favor?

25 (A chorus of "ayes.")

1 CHMN KATZ: Anybody opposed?  
2 (No response.)  
3 CHMN KATZ: Condition 9.  
4 MEMBER LITTLE: I move Condition 9.  
5 MEMBER HAMWAY: Second.  
6 CHMN KATZ: All in favor?  
7 (A chorus of "ayes.")  
8 CHMN KATZ: And if I just go right to the vote  
9 and there is discussion or you need more time to read  
10 things, please let me know.  
11 Condition 10.  
12 MEMBER GRINNELL: Move Condition 10.  
13 MEMBER HAMWAY: Second.  
14 MEMBER LITTLE: Second.  
15 CHMN KATZ: Any discussion? All in favor?  
16 (A chorus of "ayes.")  
17 CHMN KATZ: Anyone opposed?  
18 (No response.)  
19 CHMN KATZ: Condition 11.  
20 MEMBER HAMWAY: I move Condition 11.  
21 MEMBER DRAGO: Second.  
22 CHMN KATZ: All in favor?  
23 (A chorus of "ayes.")  
24 CHMN KATZ: Anybody opposed?  
25 (No response.)



1 CHMN KATZ: Condition 12.

2 MEMBER HAMWAY: I move Condition 12.

3 CHMN KATZ: Second? Is there a second?

4 MEMBER MERCER: Second.

5 CHMN KATZ: All in favor?

6 (A chorus of "ayes.")

7 CHMN KATZ: Is there anyone opposed?

8 (No response.)

9 MR. DERSTINE: Mr. Chairman.

10 CHMN KATZ: Yes.

11 MR. DERSTINE: Mr. Turner reminded me that going  
12 back to Condition 7 --

13 CHMN KATZ: Okay.

14 MR. DERSTINE: -- scroll back to 7, please.

15 I think as Mr. Turner indicated that --  
16 testified that there is a site, I guess it was identified  
17 as homestead site and we agreed to have monitors there as  
18 to I guess in coordination with SHPO.

19 Is there some specific language that needs to be  
20 inserted in Condition 7, Mr. Turner, to address and  
21 memorialize what we agreed to do with regard to that  
22 site?

23 MR. TURNER: There is text within the CEC  
24 application on page E18 that calls out that we, although  
25 we're not impacting the site, we'll be within 150 feet

1 and that monitors should be out there for the ground  
2 disturbance.

3 CHMN KATZ: The real question I have, and we can  
4 always amend Condition 7, is whether we need it because  
5 it essentially says that, "The applicant or its  
6 representative in charge shall promptly report the  
7 discovery to the director of the Arizona State Museum and  
8 in consultation with the director shall immediately take  
9 all reasonable steps to secure and maintain the  
10 preservation of the discovery as required by statute."

11 MR. DERSTINE: My -- my feeling was the general  
12 language of Condition 7 covered it. I just wanted to  
13 bring it to your attention that as pointed out by  
14 Mr. Turner and in the application that we have identified  
15 the site.

16 We will comply with 7, and do -- maintain the  
17 monitor as required. But just wanted to bring it to your  
18 attention.

19 CHMN KATZ: Is there anybody on the Committee --

20 MEMBER LITTLE: Mr. Chairman?

21 CHMN KATZ: Yes, Member Little.

22 MEMBER LITTLE: I would like to see some  
23 language in there to that effect since it was  
24 specifically mentioned in the CEC.

25 MR. DERSTINE: Okay.

1 MEMBER LITTLE: And Mr. Derstine, I appreciate  
2 you bringing that up. I had made a note of it and then  
3 forgot.

4 CHMN KATZ: Well, if we need a few -- we can  
5 keep going and then come back to this, or if we are ready  
6 to add additional language, we can do that now and then  
7 have a motion to amend Condition 7 and approve it as  
8 amended.

9 MR. DERSTINE: Do you want to take a couple  
10 minutes and decide where the appropriate language should  
11 be inserted in Condition 7, Mr. Turner, as we move  
12 forward and we'll come back to it?

13 MR. TURNER: Yes, I'll do that. Thank you.

14 CHMN KATZ: Okay. We'll just keep going and  
15 then we'll come back to Condition 7 and determine whether  
16 or not we agree with the proposed amendment.

17 I don't remember. Had we approved Condition 12?

18 MEMBER PALMER: I don't remember either, but to  
19 err on the side of safety I'll move Condition 12.

20 MEMBER HAMWAY: I don't think we had.

21 CHMN KATZ: Is there a second?

22 MEMBER HAMWAY: Second.

23 CHMN KATZ: All in favor?

24 (A chorus of "ayes.")

25 CHMN KATZ: Anyone opposed?

1 (No response.)  
2 CHMN KATZ: That was approved unanimously.  
3 Condition 13.  
4 MEMBER HAMWAY: I move Condition 13.  
5 MEMBER LITTLE: Second.  
6 CHMN KATZ: Any discussion? All in favor?  
7 (A chorus of "ayes.")  
8 CHMN KATZ: Condition 13 is approved.  
9 Condition 14.  
10 MEMBER LITTLE: I move Condition 14.  
11 CHMN KATZ: Any second?  
12 MEMBER PALMER: Second.  
13 CHMN KATZ: Any discussion? All in favor?  
14 (A chorus of "ayes.")  
15 CHMN KATZ: Anyone opposed?  
16 (No response.)  
17 CHMN KATZ: Condition 14 is approved.  
18 Condition 15.  
19 MEMBER LITTLE: I move Condition 15.  
20 CHMN KATZ: Is there a second?  
21 MEMBER DRAGO: Second.  
22 CHMN KATZ: All in favor?  
23 (A chorus of "ayes.")  
24 CHMN KATZ: Anyone opposed?  
25 (No response.)

1 CHMN KATZ: Condition 16.

2 MEMBER LITTLE: I move Condition 16.

3 CHMN KATZ: Is there a second?

4 MEMBER HAMWAY: Second.

5 CHMN KATZ: Discussion? All in favor?

6 (A chorus of "ayes.")

7 CHMN KATZ: Conditions 15 and 16 were both  
8 approved unanimously.

9 Condition 17 goes onto two pages, A, looking at  
10 part of A, and then we'll go on to B. To condition, is  
11 that, 17B.

12 MEMBER PALMER: I move Condition 17.

13 MEMBER HAMWAY: Second.

14 CHMN KATZ: Any discussion? All in favor?

15 (A chorus of "ayes.")

16 CHMN KATZ: Condition 17 has passed.

17 Condition 18?

18 MEMBER HAMWAY: I move Condition 18.

19 MEMBER PALMER: Second.

20 CHMN KATZ: Any discussion? All in favor?

21 (A chorus of "ayes.")

22 CHMN KATZ: Anybody opposed?

23 (No response.)

24 CHMN KATZ: Condition 19. And we've already  
25 stricken out the reference to CEC 211.

1 MEMBER GRINNELL: Move Condition 19.  
2 CHMN KATZ: Second?  
3 MEMBER DRAGO: Second.  
4 CHMN KATZ: All in favor?  
5 (A chorus of "ayes.")  
6 CHMN KATZ: Anybody opposed?  
7 (No response.)  
8 CHMN KATZ: Condition 20.  
9 MEMBER HAMWAY: I move condition 20.  
10 CHMN KATZ: Is there a second?  
11 MEMBER PALMER: Second.  
12 CHMN KATZ: All in favor?  
13 (A chorus of "ayes.")  
14 CHMN KATZ: Condition 20 passes.  
15 Condition 21.  
16 MEMBER PALMER: I move Condition 21.  
17 MEMBER HAMWAY: Second.  
18 CHMN KATZ: Any discussion? All in favor?  
19 (A chorus of "ayes.")  
20 CHMN KATZ: Condition 21 is approved.  
21 Condition 22.  
22 MEMBER HAMWAY: I move Condition 22.  
23 MEMBER MERCER: Second.  
24 CHMN KATZ: Any discussion? All in favor?  
25 (A chorus of "ayes.")

1 CHMN KATZ: Anybody opposed?

2 (No response.)

3 CHMN KATZ: Condition 22 has passed.

4 Condition 23.

5 MEMBER HAMWAY: I move 23.

6 CHMN KATZ: Is there a second?

7 MEMBER MERCER: Second.

8 CHMN KATZ: All in favor?

9 (A chorus of "ayes.")

10 CHMN KATZ: Anybody opposed?

11 (No response.)

12 CHMN KATZ: And just for the benefit of our

13 newest member, Member Mercer, these are all pretty much

14 standard conditions that we have repetitively used in

15 certificates. Maybe sometimes add special conditions.

16 And number 24 is the special condition that the

17 applicant was requesting based upon the agreement with

18 SunDog.

19 The stipulation that was on the record at the

20 beginning of this hearing is asking that they be required

21 within 60 days of approval of the CEC by the Commission

22 to attempt to negotiate a reasonable agreement with

23 Invenergy for an easement necessary for the neighboring

24 project to connect to the Pinal Central Substation.

25 I didn't read that verbatim, but take your time

1 and look at it.

2 MEMBER PALMER: Mr. Chairman, just a quick  
3 question. We are assuming, and this would be to  
4 Mr. Derstine, but this was mutually agreed upon by the  
5 applicant and the intervenor?

6 MR. DERSTINE: It was, yes, Member Palmer. The  
7 only change I would suggest making here, Invenergy is the  
8 parent of the project entity. The application to  
9 intervene was filed by SunDog Energy Center, LLC.

10 So I would suggest making the change here to  
11 replace Invenergy with the name of the entity that filed  
12 the application to intervene and the project entity that  
13 is seeking the --

14 CHMN KATZ: Before we take a vote, why don't you  
15 go ahead and do that.

16 MR. DERSTINE: Okay.

17 CHMN KATZ: Because Bert Acken did appear at the  
18 beginning of the hearing and he indicated that he was  
19 representing SunDog Energy, and they're the ones that are  
20 going to be involved in the negotiation even if they need  
21 to get the parent company's approval. And it's just  
22 requiring good faith negotiation.

23 MEMBER HAMWAY: And so what happens after  
24 60 days if nothing is reached?

25 CHMN KATZ: If nothing would be to reach and



1 it's a condition, I guess they could -- SunDog could  
2 indicate that they didn't -- could try to argue that they  
3 didn't negotiate in good faith.

4 But I don't think that that could be -- I mean,  
5 it could be an issue. It's just like any other condition  
6 that gets violated --

7 MEMBER HAMWAY: Right.

8 CHMN KATZ: -- could kick the matter back to the  
9 Corporation Commission.

10 MR. DERSTINE: It would come back to the --  
11 presumably, and that's I think the issue with these kinds  
12 of conditions in CECs that require one of the parties to  
13 go back before the Commission and argue that there's a  
14 failure to comply with the condition, and then have that  
15 argument and dispute before the Commission and whatever.

16 I don't know what actual remedies or  
17 jurisdiction the Committee has to -- the Commission has  
18 to do anything with it. But the condition is what it is,  
19 and --

20 CHMN KATZ: And we're not compelling them to  
21 reach a agreement. We're just compelling them to  
22 negotiate.

23 MEMBER HAMWAY: I get it. I just think it's  
24 kind of a waste, but if it helps.

25 CHMN KATZ: It doesn't hurt to have that in

1 there to satisfy the intervenor.

2 MEMBER HAMWAY: That's fine.

3 CHMN KATZ: With that change to SunDog Energy  
4 Center, LLC in Condition 24, do we have a motion to --

5 MEMBER PALMER: I will move Condition 24.

6 CHMN KATZ: Any second?

7 MEMBER MERCER: Second.

8 CHMN KATZ: Any discussion?

9 MEMBER GRINNELL: Mr. Chairman.

10 CHMN KATZ: Yes, sir.

11 MEMBER GRINNELL: I was opposed to this  
12 condition in the first place. And then because  
13 apparently we did set a precedent on this issue with a  
14 previous case, and I forget what case.

15 But what this does, I don't think we need this  
16 condition, number one.

17 Number two, we are looking at having a meeting  
18 later on about simplifying this process of these short  
19 gen-tie projects. But we are injecting conditions that  
20 may or may not be utilized down the road.

21 And I don't believe that we should be an  
22 arbitrator of how two businesses interact and discuss  
23 their business.

24 We have no financial, we have no jurisdiction,  
25 actually after rereading some of our responsibilities, to

1 be inserting these types of conditions. If two  
2 businesses can't negotiate a responsible discussion,  
3 that's between -- that's a civil issue.

4 That is not our business. And I am going to  
5 vote against this based on the fact is we don't belong in  
6 the real estate business.

7 Our job is to evaluate the validity of the  
8 gen-tie in this case. And I think for us to continue  
9 inserting this type of a condition on real estate  
10 negotiations between two businesses -- and I don't even  
11 know if this Corporation -- I'm not a lawyer, so I don't  
12 know what kind of power the Corporation Commission has.

13 All we're telling people is you all need to  
14 negotiate a deal. They know they need to negotiate a  
15 deal. And they don't need us inserting conditions in the  
16 application. And I'll leave it at that. Thank you.

17 CHMN KATZ: Is there any further discussion?  
18 Mr. Acken, do you have any comment? Because you did  
19 intervene.

20 MR. ACKEN: Thank you, Mr. Chairman. Can you  
21 hear me?

22 CHMN KATZ: Yes.

23 MR. ACKEN: Appreciate the opportunity to speak.  
24 And I understand Member Grinnell's concern to an extent.

25 I represent and I have only represented

1 applicants before this Committee until this matter. This  
2 is the first time I've represented an intervenor.

3 So I certainly want to be protective of the  
4 Committee's role and its authority. And here, this  
5 condition has lawful precedent and it is 100 percent  
6 consistent with 40-360.06.

7 As factor one the Committee shall consider is  
8 the existing plans for other developments in the vicinity  
9 of the project. And this Committee can then impose  
10 conditions to ensure and facilitate compatibility of a  
11 given project.

12 So the SunDog project is an existing plan in the  
13 vicinity of the project before you. This stipulated  
14 condition agreed by both parties facilitates the  
15 environmental compatibility, frankly, of both projects.  
16 Certainly the one before you. And the SunDog project  
17 when you see it later.

18 So I respectfully disagree that, you know, we're  
19 asking the Committee to get involved in real estate  
20 matters. This is simply a good faith, good neighbor, see  
21 if you can reach a commercially reasonable agreement that  
22 is good for everyone and is good for the state in order  
23 to make sure we have as much power as we need moving  
24 forward.

25 So happy to answer any questions, but that's the

1 spirit and that's the lawful authority for it.

2 CHMN KATZ: Is there any other comment by  
3 members of the Committee with respect to this matter?  
4 Mr. Palmer.

5 MEMBER PALMER: You know, I would just interject  
6 a thought here that if we were dragging the intervenor or  
7 the applicant kicking and screaming into this condition,  
8 then I would be inclined to agree with Member Grinnell.

9 But this is a condition that was agreed upon by  
10 both the applicant and the intervenor to willingly do  
11 this. So I don't know that we really have a lot of risk  
12 or liability in putting this condition in there because  
13 it's something that both parties asked for and agreed to.

14 CHMN KATZ: Again, from my perspective, I think  
15 it is consistent with the statutory scheme. It's not, we  
16 literally asked for, the one time we used it before was  
17 when we had an existing applicant, an intervenor came in  
18 saying they are wanting 650 million -- or \$65 million for  
19 a ten-year easement.

20 And I can tell you my experience as a superior  
21 court judge, knowing that that land was probably valued  
22 at about \$10,000 an acre, and it wouldn't have interfered  
23 with the project.

24 We compelled good faith negotiations. And we  
25 seldom are going to be asked to do it.

1 But in this case we're not compelling anybody to  
2 do anything they don't want to do. There's a valid  
3 stipulation on the record that was recorded by the court  
4 reporter, and I don't have anything further to say.

5 Mr. Grinnell's position will be noted. And let  
6 me just ask all in favor of this condition which has been  
7 moved and seconded, please say aye.

8 (A chorus of "ayes.")

9 CHMN KATZ: Is there anybody other than Member  
10 Grinnell that would say nay or no?

11 Mr. Grinnell, you are saying nay; correct?

12 MEMBER GRINNELL: Yes, sir.

13 CHMN KATZ: Thank you very much. That's noted  
14 on the record.

15 Let's now go to our findings of fact and  
16 conclusions of law. And I'll just generically refer to  
17 them as findings or conclusions. Go ahead with 1.

18 MEMBER PALMER: I would move finding of fact and  
19 conclusion of law 1.

20 MEMBER HAMWAY: Second.

21 MEMBER GENTLES: Second.

22 CHMN KATZ: Discussion? All in favor?

23 (A chorus of "ayes.")

24 CHMN KATZ: All opposed?

25 (No response.)

1 CHMN KATZ: Condition 2 -- or finding 2 is  
2 approved.

3 Finding 3.

4 MEMBER HAMWAY: I move finding 3.

5 CHMN KATZ: Is there a second?

6 MEMBER PALMER: Second.

7 CHMN KATZ: Any discussion? All in favor of  
8 finding 3?

9 (A chorus of "ayes.")

10 CHMN KATZ: Anybody opposed?

11 (No response.)

12 CHMN KATZ: Number 4.

13 MEMBER GENTLES: I move 4.

14 MEMBER HAMWAY: Second.

15 CHMN KATZ: Any discussion? All in favor?

16 (A chorus of "ayes.")

17 CHMN KATZ: Number 5.

18 4 was approved.

19 MEMBER HAMWAY: Move condition 5.

20 MEMBER FRENCH: Second.

21 CHMN KATZ: There's a second by Mr. French.

22 Anybody -- any discussion? All in favor?

23 (A chorus of "ayes.")

24 CHMN KATZ: Last but not least, number 6.

25 MEMBER PALMER: I move finding 6.

1 MEMBER HAMWAY: Second.

2 CHMN KATZ: Any discussion? All in favor?

3 (A chorus of "ayes.")

4 CHMN KATZ: Anybody opposed?

5 (No response.)

6 CHMN KATZ: The last thing we need to do with  
7 respect to this is to go back to, I believe, it's on at  
8 least in the original version was on page 2, lines 9  
9 through 15. The line numbers may have changed.

10 But it just begins, "At the conclusion of the  
11 hearing the Committee after considering the application,"  
12 et cetera, and then we vote and it will be a roll call  
13 vote.

14 MR. DERSTINE: Mr. Chairman?

15 CHMN KATZ: Yes.

16 MR. DERSTINE: Before you move on to that I  
17 think we needed to clean up Condition 7.

18 CHMN KATZ: Oh, clean up Condition 7. Let's  
19 take a look at condition second -- and then -- excuse me,  
20 Condition 7. Read it with the new language in it and  
21 then we'll need a motion to amend it.

22 MR. DERSTINE: We haven't inserted anything in  
23 it yet. Mr. Turner --

24 CHMN KATZ: Okay.

25 MR. DERSTINE: -- did you have --



1 MR. TURNER: Yep.

2 MR. DERSTINE: -- a minor edit?

3 MR. TURNER: Upon further inspection, I don't  
4 think the language needs to change. And I'll state a few  
5 things here.

6 Again, I'm looking at the CEC application, page  
7 E18. And this is where the cultural summary is. We are  
8 staying 150 feet away. The burials were 450 feet away.

9 So with this alignment, the conclusion was with  
10 this alignment, SHPO recommendations and comments from  
11 the Gila River Indian community would not be warranted.

12 So a monitor would not be needed unless this  
13 alignment that we have talked about and looked at today  
14 would change, such as the point of ownership change.  
15 Then SRP would need to look at this boundaries for the  
16 450 feet away and the 150 feet away.

17 So I don't know that the language needs to  
18 change. I just want -- I appreciate everyone slowing  
19 down and letting me look at this.

20 MR. DERSTINE: So if -- so the direction that we  
21 received was if the line comes within, what's the  
22 distance?

23 MR. TURNER: So right now the alignment that is  
24 shown says that we are staying 150 feet away from the  
25 boundary, the site boundary, and the closest human

1 features are 450 feet away.

2 So my concern would be if we changed the point  
3 of change of ownership by 50 feet or 100 feet, or I don't  
4 think we would be within these boundaries, but is there a  
5 place for SRP to have to relook at this issue as they  
6 maybe suggest some minor changes?

7 MEMBER LITTLE: Mr. Chairman.

8 CHMN KATZ: Yes, Member Little.

9 MEMBER LITTLE: I would really like to see  
10 language in there that states that. Something along the  
11 lines that should the alignment --

12 MEMBER HAMWAY: I think you could say something  
13 like if the alignment shifts either way by X number of  
14 feet. Something like that.

15 MEMBER LITTLE: Or how about if the alignment  
16 shifts to within 150 feet of the identified site, or  
17 something along those lines.

18 MR. DERSTINE: So this would be in addition just  
19 putting at the end of Condition 7. So in the event,  
20 comma, the alignment of the project shifts -- how do we  
21 want to say this. Within --

22 CHMN KATZ: Maybe to within 150 feet of whatever  
23 that -- whatever that cultural resource is. We have a  
24 site number if you would like me to state that number.

25 MR. DERSTINE: Is that -- can that be revealed

1 publicly? That's okay.

2 MR. TURNER: The site number.

3 MR. DERSTINE: Okay.

4 MEMBER HAMWAY: I don't think we need the site  
5 number.

6 CHMN KATZ: I don't think we need the site  
7 number. Let's keep that secret.

8 MR. TURNER: Okay.

9 MR. DERSTINE: Okay.

10 CHMN KATZ: Do we want to say of the identified  
11 cultural resource?

12 MR. TURNER: I think that's fair. SHPO and the  
13 tribes have looked at this in detail, and so I think the  
14 generic language here would be acceptable. Cultural  
15 resource?

16 MR. DERSTINE: Cultural resource. Then what, we  
17 need further consultation or what's the --

18 MEMBER LITTLE: A site monitor needs to be  
19 present; right?

20 MR. TURNER: Yes, ma'am. Thank you.

21 MR. DERSTINE: Okay.

22 CHMN KATZ: A site monitor would need to be  
23 present; right?

24 MEMBER LITTLE: And we need the word "to," T-O,  
25 between "shifts" and "within." "Shifts to within

1 150 feet."

2 CHMN KATZ: And I don't know under Robert's  
3 Rules do we need to have a motion to just amend and then  
4 approve to it as amended?

5 MEMBER HAMWAY: That's the safest way. I move  
6 that we revote on 7 with the amendment as shown. Do you  
7 want me to read it?

8 CHMN KATZ: Sure.

9 MEMBER HAMWAY: "In the event," my glasses  
10 aren't very good.

11 CHMN KATZ: I can read it.

12 MEMBER HAMWAY: "In the event that the alignment  
13 of the project shifts within 150 feet of the identified  
14 cultural resource, a site manager would be" --

15 CHMN KATZ: Site monitor.

16 MEMBER HAMWAY: Okay.

17 -- "monitor would need to be present."

18 MEMBER PALMER: I would second the motion to  
19 amend.

20 MEMBER GRINNELL: Question, Mr. Chairman.

21 CHMN KATZ: Yes, sir.

22 MEMBER GRINNELL: I understand this verbiage  
23 here. But what action happens? In other words, where  
24 does -- say they go to 100 feet of identified cultural  
25 resources, what happens at that point?

1 MEMBER HAMWAY: A site manager has to be on  
2 site.

3 MEMBER GRINNELL: But that doesn't provide --  
4 that's -- doesn't provide an action.

5 MEMBER HAMWAY: Yeah, it does.

6 CHMN KATZ: The whole paragraph provides an  
7 action, though. It has to get reported.

8 MR. DERSTINE: Correct, and with the --

9 MEMBER GRINNELL: With the --

10 MR. DERSTINE: -- the --

11 MEMBER GRINNELL: -- the preservation. But,  
12 again, I understand what we're saying here. But does  
13 this suspend the operation or the development --

14 MEMBER HAMWAY: Maybe.

15 MEMBER GRINNELL: -- until negotiations are met  
16 between the identified parties in this section? What  
17 happens to this?

18 CHMN KATZ: Or do we want it --

19 MEMBER GRINNELL: Yeah, I guess what happens if  
20 this doesn't occur?

21 CHMN KATZ: It's the same as if any other  
22 condition doesn't occur. Somebody has to enforce it.  
23 But we could add, just I'll throw it out, where it says  
24 resource -- identified cultural resource, a site monitor  
25 would need to be present and the matter would need to be

1 reported to SHPO, or would it be the state museum?

2 MR. TURNER: This is Mark Turner. It would be  
3 to SHPO and the site monitor is actually an  
4 archaeologist, and they have the authority to stop work  
5 if remains are found. And typically that's a temporary  
6 half day while they sift through and figure out where  
7 they are. But it could delay it for days until --  
8 depending on what they find.

9 CHMN KATZ: Do we want to say a cultural  
10 resource site monitor would need to be present after  
11 reporting the issue to SHPO? I don't know if it's  
12 necessary.

13 MR. TURNER: The monitor should be on site if  
14 they're within 150 feet no matter if something is found  
15 or not.

16 MR. DERSTINE: And Mr. Turner, is it defined  
17 somewhere or explained somewhere what the  
18 responsibilities of a site monitor are in that  
19 circumstance?

20 MR. TURNER: It is not part of the CEC  
21 application. Dr. Gene Rogge is the one who wrote this,  
22 and I can reach out and coordinate with him today if we  
23 need to be more specific.

24 MR. DERSTINE: Well, no, I think we -- but I  
25 think there is a general understanding of what the

1 responsibilities of a site monitor are in that  
2 circumstance; correct?

3 MR. TURNER: Correct.

4 CHMN KATZ: We could go -- just another  
5 suggestion. "In the event the alignment of the project  
6 shifts to within 150 feet of the identified cultural  
7 resource, SHPO shall be immediately notified and a site  
8 monitor would need to be present." I don't know if we  
9 need to go that far.

10 MR. TURNER: That language sounds good to me,  
11 sir.

12 MEMBER HAMWAY: This is good.

13 CHMN KATZ: You think leave it as is?

14 MEMBER HAMWAY: Yes.

15 MEMBER PALMER: Yeah.

16 CHMN KATZ: Well, Member Little has moved to  
17 leave it the way it is written, the amendment as written.  
18 So it's been moved and seconded. Is there any further  
19 discussion?

20 MEMBER MERCER: I have a question, Mr. Chairman.  
21 My understanding is that this project is within an  
22 existing project. So wouldn't any of this in Condition 7  
23 be already covered? To me it sounds redundant.

24 CHMN KATZ: It is somewhat redundant because it  
25 would have to be reported. But now we're saying based

1 upon the investigation of the archeological or cultural  
2 resource study, that if it moves any -- it's at least  
3 150 feet away right now -- if it moves any closer to that  
4 by the applicant or its assignee, it would require that a  
5 site monitor be present.

6 MEMBER HAMWAY: We approved a corridor of, what  
7 was it, 1000 and then 1500 feet, I think.

8 MR. DERSTINE: Correct.

9 MEMBER HAMWAY: So we've got plenty of room for  
10 them to maneuver around that, I would think.

11 CHMN KATZ: Any further discussion?

12 (No response.)

13 CHMN KATZ: All in favor to the amendment of 7,  
14 please say aye.

15 (A chorus of "ayes.")

16 CHMN KATZ: Anybody opposed?

17 (No response.)

18 CHMN KATZ: The amendment passes. Do we need to  
19 approve the whole condition as amended? I think -- I  
20 think we're fine.

21 MEMBER HAMWAY: No, I think we did. We're fine.

22 CHMN KATZ: We're fine. Okay.

23 Now we need to go back to the page 2 provision  
24 which is our vote. And it just reads, "At the conclusion  
25 of the hearing the Committee after considering the



1 application, evidence, testimony, and exhibits presented  
2 by the applicant and comments of the public" -- and there  
3 were no public comments -- "and being advised of legal  
4 requirement" -- oh, there was one public comment --  
5 "requirements of A.R.S. Sections 40-360 through 40-360.13  
6 upon motion duly made and seconded, voted to," and I'm  
7 going to need to have a vote on a roll call basis as to  
8 whether you, even if you've dissented on an individual  
9 provision, you're free to vote in favor of the CEC.

10 And I'll start to my far left. And Member  
11 Mercer, do you -- how do you vote, yea or nay?

12 MEMBER MERCER: Yea.

13 CHMN KATZ: Mr. Drago?

14 MEMBER DRAGO: Yea.

15 CHMN KATZ: Member Hamway?

16 MEMBER HAMWAY: Aye.

17 CHMN KATZ: Member Palmer?

18 MEMBER PALMER: Aye.

19 CHMN KATZ: And I'll next go to Member Little.

20 MEMBER LITTLE: I would like to thank the  
21 applicant and everybody present in the room. And with  
22 that I vote aye also.

23 CHMN KATZ: Member French?

24 MEMBER FRENCH: I vote aye.

25 CHMN KATZ: Member Gentles.

1 MEMBER GENTLES: I'd also like to thank the  
2 applicants especially for their diligence in the public  
3 outreach, even though this is a very short gen-tie line.  
4 So they went through the diligence as if it were for a  
5 larger project, so I do appreciate that. With that I  
6 vote aye.

7 CHMN KATZ: Member Grinnell.

8 MEMBER GRINNELL: I vote aye.

9 CHMN KATZ: I believe that is nine to nothing.  
10 If my arithmetic is correct.

11 MEMBER DRAGO: How do you vote?

12 CHMN KATZ: What?

13 MEMBER DRAGO: You vote?

14 CHMN KATZ: Oh, I'm voting also aye. So are  
15 there nine of us or ten of us?

16 MEMBER HAMWAY: Just nine.

17 CHMN KATZ: There's nine. Okay. You'll fill in  
18 nine to zero, and we're done with this particular CEC.

19 And, again, the --

20 MEMBER HAMWAY: You know what, it's nine.

21 CHMN KATZ: What?

22 MEMBER HAMWAY: It's nine, because Gabby's here.  
23 I mean, it's 10 people.

24 CHMN KATZ: Yeah.

25 MEMBER HAMWAY: Yeah.

1 CHMN KATZ: Is that correct?

2 MEMBER HAMWAY: There's five of us and three --  
3 four of them, so that makes nine.

4 MR. DERSTINE: Nine. Nine to zero.

5 CHMN KATZ: Nine to zero.

6 MEMBER HAMWAY: Nine to zero.

7 CHMN KATZ: Nine to zero. Correct. That ends  
8 that. We're going to in a moment do CEC-2.

9 But what I'd like the applicant -- and the one  
10 that we worked on will be Chair Exhibit 2. Chair  
11 Exhibit 1 is the PDF version.

12 Now we're going to Chair Exhibit 3 will be the  
13 PDF of CEC-2. And we'll be working off of Chair Exhibit  
14 4, which is the Word version.

15 And we can pull that up. What I'd like to do,  
16 though, is we don't necessarily need to go through every  
17 condition if they are the same as in the other one.

18 But I would need you to point out where there  
19 are differences so that we can vote on those differences  
20 and then approve the vote on the entire CEC.

21 MR. DERSTINE: Thank you, Mr. Chairman.

22 There are no differences in the conditions  
23 between CEC-1 and CEC-2.

24 We need to make a conforming change to  
25 Condition 7 of CEC-2 as we did in CEC-1. We can do that

1 or we can indicate that that will be done.

2 The only changes, differences between CEC-1 and  
3 CEC-2, on CEC-2 lines 3 through 4 on page 3, at least  
4 according to my paper copy, that is the -- right above  
5 the Project Corridor and Route where the line says, "The  
6 portion of the project covered by CEC-2 is approximately  
7 0.11 mile in length from the point of change in PCO to  
8 POI, point of interconnection."

9 That is different from CEC-1 because it  
10 describes the segment of the line covered by CEC-2.

11 And then moving down under part C, Project  
12 Corridor and Route, that is different from CEC-1 because  
13 it describes the portion of the route covered by CEC-2.  
14 That is the only difference between the two.

15 Beyond that, all the conditions are the same.  
16 As I indicated, we'll make the conforming change to  
17 Condition 7.

18 CHMN KATZ: Let me then ask if we go to the  
19 project overview, there's no need to change that except  
20 the very last one-sentence paragraph; is that correct?

21 MR. DERSTINE: That's correct. There's no  
22 change -- I mean, there is a change written there. I  
23 just bring that to your attention that is a difference  
24 between CEC-1 and CEC-2.

25 CHMN KATZ: Right. But paragraph or Section B,

1 Project Overview, remains the same except for that last  
2 sentence within that project overview section; correct?

3 MR. DERSTINE: That is correct.

4 CHMN KATZ: So what I'd like to do is ask the  
5 Committee to take a look at the language that says, "The  
6 position of the project covered by CEC is approximately  
7 0.11 mile in length from the PCO to the POI."

8 And I'd like to a motion to approve that  
9 particular change to the project overview.

10 MEMBER PALMER: Mr. Chairman, just a question.  
11 Would it be simpler just to approve the project overview  
12 as written in --

13 CHMN KATZ: Yeah, we could do that.

14 MEMBER PALMER: And I'll make that motion.

15 MEMBER HAMWAY: Second.

16 CHMN KATZ: Okay. The motion again is to  
17 approve Section B, the project overview as it is written  
18 in Chair Exhibit 4. All in favor?

19 (A chorus of "ayes.")

20 CHMN KATZ: Anybody opposed?

21 (No response.)

22 CHMN KATZ: And, again, Condition 7 will be the  
23 same with the additional language in it. So essentially  
24 I think we just take a vote.

25 MEMBER HAMWAY: Well, we have to do Project

1 Corridor and Route.

2 CHMN KATZ: That's right.

3 MEMBER PALMER: And I would likewise move the  
4 approval of item C, the Project Corridor and Route as  
5 written.

6 MEMBER HAMWAY: Second.

7 CHMN KATZ: Any discussion? All in favor?

8 (A chorus of "ayes.")

9 CHMN KATZ: Anybody opposed?

10 (No response.)

11 CHMN KATZ: Now, we then go to the section that  
12 requires us to vote once again to approve this CEC as  
13 written. And we can do another roll call vote. And I'll  
14 start with Member Mercer. How would you vote?

15 MEMBER MERCER: Aye.

16 CHMN KATZ: Member Drago?

17 MEMBER DRAGO: Vote aye.

18 CHMN KATZ: Member Hamway?

19 MEMBER HAMWAY: Aye.

20 CHMN KATZ: Member Palmer?

21 MEMBER PALMER: I vote aye, and I would like to  
22 express my appreciation to the applicant, to the  
23 intervenor, to the IT folks, the court reporter, all who  
24 made this happen. And to the unnamed angel of mercy who  
25 made the baklava, it was really good.

1 And with that, I vote aye.

2 CHMN KATZ: Member Little?

3 MEMBER LITTLE: Aye.

4 CHMN KATZ: Member Gentles?

5 MEMBER GENTLES: I vote aye.

6 CHMN KATZ: Member Grinnell?

7 MEMBER GRINNELL: Aye.

8 CHMN KATZ: And Member French?

9 MEMBER FRENCH: I vote aye.

10 CHMN KATZ: And I vote aye as well.

11 So we're looking, is it nine to nothing again?

12 MEMBER HAMWAY: Yep.

13 CHMN KATZ: Okay. It is approved. I want to  
14 thank everybody for the quality of the presentation. And  
15 I agree with Member Gentles that public outreach went  
16 above and beyond what might be minimally necessary.

17 There wasn't any opposition because of the --  
18 largely because of the location of the project not  
19 interfering with any existing industry, agriculture or  
20 residential areas.

21 And I believe my only other comment is we dealt  
22 with a project today that was approximately three-tenths  
23 of a mile, maybe a little bit beyond that, and we have  
24 nine Committee members participating in this, many of  
25 whom are privately employed or have other community

1 involvement.

2           And later this afternoon, there will be a  
3 special meeting of the Committee just to empower the  
4 Committee to work with the legislature to try to shorten  
5 the process for less lengthy -- for the less lengthy  
6 projects so we don't necessarily need to have a hearing.

7           Or if we do need to have a hearing, it won't be  
8 necessarily in front of the Committee. It could be in  
9 front of an administrative law judge or a hearing  
10 officer.

11           So any of you who want to join us at four this  
12 afternoon, we will be having that meeting. I think it  
13 will be relatively short.

14           And I also want to thank the AV and IT people  
15 for making this a smooth operation as always and for  
16 being willing to work us on as extremely short notice to  
17 allow us to communicate during that special meeting this  
18 afternoon.

19           In the future if we need to reconvene another  
20 special meeting it will be much more than getting the  
21 notice out on a Friday for a Tuesday meeting. And we  
22 will have appropriate arrangements made. The Corporation  
23 Commission will be reimbursing our court reporter for  
24 that later hearing or meeting.

25           But anyway, we do stand in recess. Again, any



1 of you who want to join us this afternoon or in person or  
2 virtually are welcome to do so. I would encourage all of  
3 the Committee members, if at all possible, to be present.

4 But, again, our sole focus will be on empowering  
5 the Committee and its designee -- and the Chair's  
6 designees to meet with the legislature representative,  
7 Griffin, to try to draft some language to improve our  
8 statutory scheme. We do stand in recess.

9 MEMBER PALMER: For clarification, that's going  
10 to take place here?

11 CHMN KATZ: Yes, the meeting.

12 MEMBER PALMER: And on the link that was sent  
13 out?

14 CHMN KATZ: Yes, there's a new link, some of you  
15 should have received it either last week or early this  
16 week from Tod for that Zoom meeting. If you're here in  
17 person, we'll do it as normal, and if not it's not the  
18 same link that we were using right now. Okay?

19 Any questions before we say goodbye and perhaps  
20 again say it --

21 MEMBER GRINNELL: Mr. Chairman?

22 CHMN KATZ: Yes.

23 MEMBER GRINNELL: I just want to make a motion  
24 to authorize yourself to make any scrivener's errors to  
25 these applications.

1 CHMN KATZ: Is there a second to that?

2 MEMBER HAMWAY: Second.

3 CHMN KATZ: Any discussion? And just for the  
4 benefit of our new member, that just empowers me to work  
5 with my staff to make any corrections, typographical  
6 corrections, scrivener errors, grammatical error  
7 corrections without coming back to the Committee. All in  
8 favor?

9 (A chorus of "ayes.")

10 CHMN KATZ: Anybody opposed?

11 (No response.)

12 CHMN KATZ: Thank you all again. We do stand in  
13 recess, and we'll have a new meeting at four o'clock this  
14 afternoon. Thank you all.

15 (The hearing concluded at 10:57 a.m.)

16

17

18

19

20

21

22

23

24

25

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 the  
10 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  
14 ACJA 7-206(J)(1)(g)(1) and (2).

15 Dated at Phoenix, Arizona, this 19th day of January,  
16 2023.

17  
18  
19  
20  
21  
22  
23  
24  
25  


---

JENNIFER HONN, RPR  
Arizona Certified Reporter  
No. 50885

26 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has  
27 complied with the ethical obligations set forth in  
28 ACJA 7-206(J)(1)

29  
30  
31  
32  
33  
34  
35  


---

GLENNIE REPORTING SERVICES, LLC  
Arizona Registered Firm  
No. R1035