

1 BEFORE THE ARIZONA POWER PLANT LS-269

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) PREFILING
 CENTRAL SUBSTATION IN PINAL) CONFERENCE
 11 COUNTY, ARIZONA)
 _____)

12

13 At: Phoenix, Arizona

14 Date: November 28, 2022

15 Filed: December 12, 2022

16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Pages 1 thru 21)

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By: Jennifer Honn, RPR
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NO.	DESCRIPTION	IDENTIFIED
1	Project map	5
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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, commencing at 3:00 p.m. on November 28, 2022,
5 with all participants appearing via videoconference.

6

7 BEFORE: PAUL A. KATZ, Chairman

8

9 APPEARANCES:

10 For the Applicant:

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

14 ALSO PRESENT:

15 Ms. Amy Shanahan, Orsted, Senior Manager, Development
16 Mr. Mark Turner, AECOM, Senior Environmental Planner
17 Ms. Kirsten Johnson, AECOM, Project Manager
Ms. Gourjia Odisho, Snell & Wilmer, paralegal
18 Ms. Lisa Glennie, Glennie Reporting Services
Mr. Tod Brewer, Assistant to Chairman Katz

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1 CHMN KATZ: We can go on the record.

2 This is the time for the prefiling conference in
3 the Orsted Eleven Mile Pinal County transmission line
4 project.

5 And Matt Derstine is present for the applicant.

6 And is there anybody else that you wanted to
7 identify at this time?

8 MR. DERSTINE: Yeah. Thank you. Appearing
9 today also is Mark Turner with AECOM as well as Amy
10 Shanahan who's the project lead and project manager,
11 whatever titles that Amy collects of Orsted. And
12 Mr. Turner and Ms. Shanahan will be our primary
13 witnesses. Also, Kirsten Johnson from AECOM is also
14 here. And Ms. Odisho, who you'll recall from our last
15 APX hearing a couple of weeks ago, is also present, and
16 she'll be working with me on this case as well.

17 CHMN KATZ: Sounds good. Let me just ask you,
18 have there -- are there any possible intervenors in this
19 project? I haven't received anything, but --

20 MR. DERSTINE: None that I'm aware of.

21 CHMN KATZ: And it's early. We don't have much
22 of anything going on yet. Has there been any public
23 interest generated from anything that has happened to
24 date?

25 MR. DERSTINE: Well, Orsted is developing a

1 large solar project in the area. It's a 300-megawatt
2 solar project. And so this gen-tie project, a very short
3 gen-tie line, will allow the interconnection of the solar
4 project with the Pinal Central Substation. So there has
5 been interest in the solar project. I don't think we've
6 received a lot of interest in the siting of the gen-tie
7 line. As I mentioned, it's very short. But we have, you
8 know, had our outreach through newsletters and social
9 media as well as an in-person open house. So not a lot
10 of interest in the gen-tie and the issues that'll be
11 before the Committee.

12 CHMN KATZ: I'm just making a note. And I have
13 this saved, and I'll provide copies of that if I haven't
14 already. I have Prefiling Exhibit 1 which is just a map
15 of the project. Then I have Prefiling Exhibit 2 which is
16 your depiction of the actual route. I believe it's the
17 second map. Last, but not least, I have a Prefiling
18 Exhibit 3 which is a black-and-white legend showing where
19 signs have been posted to date.

20 Are these exhibits which you intended me to
21 receive and that you'll be providing copies of to our
22 reporter?

23 MR. DERSTINE: That's correct. Yes. And we're
24 happy to touch on those and run through those exhibits if
25 you like.

1 The Exhibit 1 primarily shows the project area,
2 where it's located, the gen-tie line in relation to Pinal
3 Central Substation and some of the -- as well as the
4 solar project which is shown kind of in the hashmarked
5 grid area.

6 So if there's value in that, Mr. Turner can
7 bring that up. And you have any questions about that,
8 and we're happy to address them.

9 CHMN KATZ: I don't have any questions. Both
10 maps appear clear. And that third map, black-and-white
11 diagram, shows where signs have been posted; correct?

12 MR. DERSTINE: That's correct.

13 CHMN KATZ: And you've published so far in
14 newspapers, or have you done any publishing yet?

15 MR. DERSTINE: Well, we haven't published -- we
16 haven't published yet --

17 CHMN KATZ: You don't have the notice yet.
18 Okay.

19 MR. DERSTINE: That's right. Yeah. But we
20 have --

21 CHMN KATZ: Where will you be publishing?

22 MR. DERSTINE: So I think what we're -- the
23 world of publication, we're left with the three local
24 newspapers that serve that area in Pinal County, the
25 Coolidge Examiner, the Enterprise, and the Casa Grande

1 Dispatch. And so we'll be publishing the notice of
2 hearing in all three of those. And probably one of
3 those, depending on their publication schedule, at least
4 getting two publications in in one of those. But among
5 the three, we'll certainly catch the two publications
6 within ten days.

7 CHMN KATZ: Okay. And I will need you to submit
8 in Word form a draft notice of hearing, and Tod and I
9 will review that. Send it to Tod with a copy to me, and
10 we'll review it. And if it appears to be in proper
11 order, which I'm sure it will be based upon the high
12 level of experience that you and your staff have had, I
13 will sign it and we'll get it back to you in a PDF
14 format.

15 MR. DERSTINE: All right. Thank you.

16 CHMN KATZ: And -- what?

17 MR. DERSTINE: I was going to say I think we're
18 scheduled for filing on December 2. I want to -- we need
19 to do a little bit of confirmation. As you know,
20 sometimes the publication schedules of these newspapers
21 make it difficult for us to get the two publications in
22 timely. So we're just going to, at the moment,
23 confirming the publication schedule and how early they
24 need the notice of hearing signed by you in advance of
25 publication. Once we've pinned that down, we'll confirm

1 with Tod that July 2 is -- December 2 is indeed our
2 publication date. And we'll be sending you the draft
3 notice of hearing this week.

4 CHMN KATZ: Okay. I'm here all week. And next
5 week, though, I will be in another line siting hearing
6 out in Goodyear.

7 MR. DERSTINE: Okay.

8 CHMN KATZ: Who are the affected jurisdictions?

9 MR. DERSTINE: So they are the City of Coolidge,
10 the City of Eloy, and Pinal County.

11 CHMN KATZ: Okay. And they'll all receive
12 notice if they haven't already; correct?

13 MR. DERSTINE: They will.

14 CHMN KATZ: And where will the -- I know it's in
15 Pinal County, but where will the hearing be taking place?

16 MR. DERSTINE: The hearing will be conducted at
17 the Radisson Hotel Casa Grande on 777 North Pinal Avenue.

18 CHMN KATZ: Okay. Is that the same hotel that
19 we've been in previously, or not?

20 MR. DERSTINE: I think so.

21 CHMN KATZ: Okay. And the dates for the
22 hearing, when do we begin? January what?

23 MR. DERSTINE: We're scheduled to begin on
24 January 17, which is a Tuesday as opposed to a Monday
25 start.

1 CHMN KATZ: It's a holiday?

2 MR. DERSTINE: I think it's Martin Luther King
3 Day, Chairman, yeah.

4 CHMN KATZ: Okay. I'm assuming we should be
5 done by Thursday?

6 MR. DERSTINE: Yes, if not sooner.

7 CHMN KATZ: And I'm assuming that there will be
8 lodging available at that hotel for staff and for our
9 out-of-town Committee members. And I don't know if we're
10 making our own reservations or whether the applicant will
11 make those for us, but you can let -- somebody will need
12 to let Tod know and let me know because we need to let
13 the Committee members who might be traveling know as
14 well. I can't see commuting back and forth between my
15 home in the Phoenix metro area and -- as you know.

16 Do you think we need a tour? How long is this
17 line?

18 MR. DERSTINE: Very short. It's three-tenths of
19 a mile in length. Very short. You've been down in that
20 area before. But, you know, we have reserved a van and
21 transportation and looked at conducting a tour. I'm not
22 sure that a tour would take very long, but I don't know
23 how much information the Committee would glean from the
24 route tour as opposed to the virtual tour that we'll
25 present to the Committee on the first day of the hearing.

1 CHMN KATZ: I'll leave it to the Committee, but
2 I'll probably be -- this doesn't run adjacent to or
3 through any residential communities, does it?

4 MR. DERSTINE: It does not. It crosses a road
5 and then a number of existing power lines and then drops
6 into Pinal Central Substation. And a portion of this
7 gen-tie line is underground already. So the aboveground
8 portions are largely on the side of the Pinal Central
9 Substation where there's already an existing transmission
10 corridor.

11 And Mr. Turner is showing you the route. The
12 dotted red area is what is going to travel underground
13 from the project substation shown in the purple square.
14 And then that first structure is outlined there in terms
15 of the riser structure where the underground line comes
16 aboveground. And then we move on to the red structure
17 that's the second structure there. That's the point of
18 change of ownership, something that the Committee's heard
19 and is familiar with. That's where from that point on,
20 we'll -- there will be -- as we have done in prior cases,
21 there'll be two CECs, and we'll transfer the second CEC
22 to SRP. They'll own that piece. And then the blue
23 portion is the aboveground portion, remaining aboveground
24 portion, of the gen-tie that moves to the Pinal Central
25 Substation and interconnects with the bay there.

1 CHMN KATZ: And that was your prefiling
2 Exhibit 2?

3 MR. DERSTINE: Correct.

4 CHMN KATZ: I can't see the need based upon the
5 how short the aboveground section is -- basically, it's
6 running from pretty much raw desert into an already
7 existing substation. I don't think a tour will be
8 necessary. If we did want to take one, we'd probably
9 want to do it about nine o'clock or so on Wednesday
10 morning because we're starting --

11 MR. DERSTINE: Yeah. Since we're starting on
12 Tuesday? Yeah, we would start it first --

13 CHMN KATZ: -- one o'clock on Tuesday. 5:30
14 public comment session. And it could be like a couple of
15 recent hearings where we had to wait two or three hours
16 for nobody to appear, but we'll do whatever we have to do
17 to make sure that the public is given a fair opportunity
18 to participate.

19 When will we be holding our prehearing
20 conference?

21 MR. BREWER: Mr. Chairman, we have this
22 scheduled for January 9 at three p.m.

23 CHMN KATZ: Does that work for the applicant?

24 MR. DERSTINE: Yes. I think we've had that on
25 our calendar, and that works for --

1 CHMN KATZ: Right. And we don't have any
2 outside related litigation to worry about. And we need
3 to make sure that all of our Committee people get a copy
4 of the application.

5 One of the things we're trying to iron out, and
6 I don't know that we've made any progress, is a lot of
7 the complicated -- more complicated -- we end up with 25
8 copies of everything that the corporation sent certified
9 mail, and some of the Committee members are getting
10 frustrated with ending up with two or three boxes full of
11 documents.

12 MR. DERSTINE: Yeah.

13 CHMN KATZ: We just need to make sure they get
14 copies of the application.

15 What do you think, Tod, do we need to send hard
16 copies over for the docket and they distribute it?

17 MR. BREWER: Docket will distribute that,
18 Mr. Chairman.

19 CHMN KATZ: And we haven't looked up anything
20 about eliminating some of the paperwork like exhibits and
21 things of that nature?

22 MR. BREWER: No, Mr. Chairman, we have not.

23 CHMN KATZ: And I will also work with Tod to
24 draft a Procedural Order. It's pretty much going to be a
25 copy of what we do in almost every case setting out

1 various deadlines for exchanging exhibits and witness --
2 filing witness statements, et cetera.

3 And we'll need -- there's two CECs. I'm
4 assuming they'll be substantially identical?

5 MR. DERSTINE: That's correct.

6 CHMN KATZ: And what we have done in the past in
7 our last hearing, we reviewed each and every paragraph of
8 the first CEC. And the second CEC was identical except
9 for the property description or the project description.
10 And we just ended up with an avow being made that they're
11 identical except for paragraph 7, 12, or whatever it
12 might be, and the project description. We will vote --
13 we will just vote on approving that second CEC if we
14 approve the first one. We're not going to go through
15 every condition a second time and every finding. We'll
16 just go through the conditions or findings that are
17 applicable to the second CEC.

18 MR. DERSTINE: Understood.

19 CHMN KATZ: Okay. We've already decided that
20 that -- we've talked about trying to move that public
21 hearing -- public participation to a different time, but
22 we want to accommodate people that have to work --

23 MR. DERSTINE: Right.

24 CHMN KATZ: -- so it will be 5:30 Wednesday.

25 And if any public officials wish to address us

1 at the public comment session, they'll be given priority
2 over members of the general public to speak first.

3 I'm assuming that you -- your client has applied
4 for and/or received all necessary federal, state, county,
5 city, or town permits and that we don't have any
6 hang-ups? And I'm assuming that there is no federal
7 funding involved and no federal property involved so we
8 don't have to worry about NEPA?

9 MR. DERSTINE: That's correct. No NEPA issues.
10 And any permits that are required at this stage have been
11 applied for and have been obtained. There'll be permits
12 that are required down the road once we get closer to the
13 construction stage, et cetera.

14 CHMN KATZ: And I'm assuming we'll have our
15 usual -- one of our two usual groups of IT people so that
16 we'll have good Wi-Fi hotspots.

17 And I didn't know if you were going to be
18 providing any type of Surface Pros or iPads to us.
19 Because outside of the fact I always want one copy of the
20 exhibits like in a notebook or somehow bound and the
21 application, most of the Committee members are happy to
22 view the exhibits on iPads or a Surface Pro or some
23 similar tablet.

24 MR. DERSTINE: Yes.

25 CHMN KATZ: You can bring a couple of extra

1 copies of the exhibits. I'm assuming we'll have tablets?

2 MR. DERSTINE: That's correct. We'll be
3 providing iPads. Peak Audio will be providing the AV
4 service. And we'll make sure that you have your hard
5 copy of exhibits as well as the application.

6 CHMN KATZ: And I always remind you, you already
7 know that the court reporting company always likes final
8 transcripts of conferences and hearings to be posted on
9 the applicant's website. And, obviously, there's a
10 turnaround time of about three days to obtain those
11 transcripts.

12 MR. DERSTINE: Yeah. And I was going to -- I
13 know your Procedural Order requires we get those
14 posted -- I don't know if it's three or five days. Tod,
15 you probably know. But sometimes that's -- it's not the
16 court reporter's turnaround time. It's the time it takes
17 for the IT folks to get them posted to the website that
18 sometimes makes that time frame a challenge. But we
19 always do our best to get them posted to the website as
20 quickly as possible.

21 CHMN KATZ: As long as they get posted. If
22 you're a day or an hour late, we're not going to come
23 down on you. We just want to make sure that the public
24 has access to know what the heck we talked about.

25 MR. DERSTINE: Right.

1 CHMN KATZ: And the Committee members also have
2 the right to know what we've discussed.

3 I'm assuming that there are no other issues for
4 us to cover. If there are, please enlighten me.

5 MR. DERSTINE: I think that's it. I don't know
6 if you wanted to take a look at the proposed sign
7 locations. That's our Prefiling Exhibit 3, and if you
8 had any concerns with that?

9 CHMN KATZ: I don't have any concerns. It looks
10 like they're posted along public roads. And it's really
11 that one road that is where the line crosses. So I think
12 we're in good shape. And we'll make sure that that
13 Exhibit 3 showing the sign posting locations are also
14 provided to our court reporter.

15 MR. DERSTINE: That's correct. I think -- if we
16 haven't provided all three exhibits to our court
17 reporter, we'll make sure that she receives them this
18 afternoon.

19 CHMN KATZ: And, Tod, is there anything else
20 that I may have forgotten to cover that you think we need
21 to discuss?

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

24 CHMN KATZ: And you're going to be still stuck
25 with me. I was hoping to have my replacement at least

1 attending the November and December hearing. But they
2 can't appoint anybody because it's the attorney general,
3 and we don't know who the attorney general's going to be.
4 And Don Northup, who basically is a supervisor of
5 supervisors in civil matters, is also going to retire at
6 the end of the year. I was trying for January 28, but I
7 was hoping to have somebody trained by beginning of
8 January or the beginning of February so I could spend my
9 last week or two wrapping up everything for the land
10 department and mine inspector. But it's becoming -- the
11 line siting is becoming a major time consumer for
12 everyone. There are different opinions, but I'm
13 encouraging lawyers such as yourself, and I know we're
14 talking Member Hamway and others, but I think we need a
15 comprehensive statutory change, and it's not going to
16 happen unless we have industry and the lawyers working
17 with members of the legislature. Because I've already
18 met with the chair, and so has Mary Hamway twice, but I
19 met once with the chair of the Corporation Commission.
20 And, well, I'll give you -- it's too political or we're
21 too busy. They're not going to do anything. And I think
22 for us to have to have a hearing for a three-tenths of a
23 mile -- I've had a 750-foot line and a 440-foot that we
24 had to have full-blown hearings on. And it just seems to
25 me that an administrative law judge or a hearing offer

1 could make the decision and it maybe could even be done
2 on written application. I just don't know what the
3 answer is. But the drafters of that 1970 statute had no
4 idea that we'd be looking an unregulated solar and wind
5 industry, which is fine, but we don't know where these
6 projects are going to be built and whether they're in the
7 best places. But there is control over the major
8 utilities that the Corporation Commission can say, "You
9 can't build that generation in Pinal County. You have to
10 build it in Cochise County. Whatever." I'm not unhappy.
11 It's just to have to have hearings for gen-tie lines that
12 oftentimes are running through agricultural or vacant
13 desert is an awful great expense to the applicant and a
14 big investment of time to me and the Committee members,
15 most of whom have outside interests and/or employment.

16 Enough said. If I don't see any of you between
17 now and then, have a Merry Christmas -- yes, Jennifer?

18 (Discussion off the stenographic record;
19 technical issues.)

20 THE COURT REPORTER: We can do this on or off
21 the record. But I need to know everyone's names and
22 titles, please.

23 MR. DERSTINE: Let's do it on the record. Mark,
24 what's your --

25 CHMN KATZ: Let's do it on the record to make

1 sure things don't get lost.

2 MR. TURNER: Senior Environmental Planner for
3 Mark Turner.

4 CHMN KATZ: And are you with the applicant or
5 with an outside consulting?

6 MR. TURNER: I work for AECOM that was hired by
7 Orsted to prepare the CEC and do the environmental
8 studies.

9 CHMN KATZ: Next?

10 MR. DERSTINE: Ms. Shanahan, what's your proper
11 title with Orsted?

12 (Discussion off the stenographic record;
13 technical issues.)

14 MR. DERSTINE: Senior Manager, Development for
15 Orsted.

16 CHMN KATZ: Okay. And next is Gourjia Odisho?

17 MS. ODISHO: I'm a paralegal with Snell &
18 Wilmer.

19 CHMN KATZ: You're with Snell & Wilmer; correct?

20 MR. DERSTINE: Right. And then Kristen Johnson.

21 MS. JOHNSON: Kirsten Johnson, Project Manager,
22 AECOM.

23 MR. DERSTINE: Sorry for making you a Kristen
24 instead of a Kirsten, Kirsten.

25 CHMN KATZ: And Lisa Glennie?

1 MR. BREWER: Lisa's with the court reporter's
2 office.

3 CHMN KATZ: Okay. So we're all set.

4 And, again, I want to wish all of you whatever
5 you might be celebrating a happy, healthy, and safe
6 holiday season and a very healthy and happy new year.
7 And we'll see you after January 1, if not sooner.

8 And, Mr. Derstine, if you need anything, contact
9 Tod and we can always get back together if needed.

10 MR. DERSTINE: Very good. Thank you,
11 Mr. Chairman. Have a good afternoon.

12 CHMN KATZ: You all do too. Bye-bye.

13 (Proceedings concluded at 3:24 p.m.)

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