

1 BEFORE THE ARIZONA POWER PLANT LS-323

2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE ) DOCKET NO.  
 4 APPLICATION OF RWE RENEWABLES ) L-21261A-23-0219-00225  
 5 DEVELOPMENT, LLC, IN )  
 6 CONFORMANCE WITH THE )  
 7 REQUIREMENTS OF ARIZONA ) LS CASE NO. 225  
 8 REVISED STATUTES, SECTIONS )  
 9 40-360, ET. SEQ., FOR )  
 10 PREHEARING CONFERENCE )  
 11 CERTIFICATES OF ENVIRONMENTAL )  
 12 COMPATIBILITY AUTHORIZING THE )  
 13 FORGED ETHIC WIND ENERGY )  
 14 INTERCONNECTION PROJECT LOCATED )  
 15 IN COCONINO COUNTY, ARIZONA. )  
 16 ) EVIDENTIARY HEARING  
 17 )

11 At: Flagstaff, Arizona  
 12 Date: September 6, 2023  
 13 Filed: September 11, 2023  
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1 BE IT REMEMBERED that the above-entitled  
2 and numbered matter came on regularly to be heard before  
3 the Arizona Power Plant and Transmission Line Siting  
4 Committee at High Country Conference Center, 1899  
5 Ballroom, 307 West DuPont Avenue, Flagstaff, Arizona,  
6 commencing at 9:00 a.m. on September 6, 2023.

7

8 BEFORE: ADAM STAFFORD, Chairman

9 GABRIELA S. MERCER, Arizona Corporation Commission  
10 LEONARD DRAGO, Department of Environmental Quality  
11 DAVID FRENCH, Arizona Department of Water Resources  
12 R. DAVID KRYDER, Agriculture Interests  
13 SCOTT SOMERS, Incorporated Cities and Towns  
(Via Videoconference)  
14 MARGARET "TOBY" LITTLE, PE, General Public  
15 DAVE RICHINS, General Public  
(Via Videoconference)  
16 COL. JON H. GOLD, General Public

15

APPEARANCES:

16

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24

25

1 CHMN STAFFORD: Let's go back on the  
2 record. Good morning, continuing the hearing for line  
3 siting case 225. Mr. Acken, I believe you were ready to  
4 bring on your second paneled witness.

5 MR. ACKEN: Thank you, Mr. Chairman, not  
6 quite. I want to do some cleanup with some questions  
7 that came up yesterday that we needed additional input  
8 from team members who aren't present here. So I'd like  
9 to take a swing at addressing those first, and then  
10 bringing on our second panel after that.

11 CHMN STAFFORD: Okay. Thank you.

12 MR. ACKEN: So most of these questions will  
13 be directed to Mr. Nelson.

14

15 DIRECT EXAMINATION (Cont.)

16 BY MR. ACKEN:

17 Q. So, Mr. Nelson, you heard and addressed the  
18 questions regarding EMP yesterday; is that correct?

19 A. (MR. NELSON) That is correct.

20 Q. So were you able, after the hearing yesterday,  
21 to get some additional information from your team members  
22 in response to those questions?

23 A. (MR. NELSON) Yes, I was. I was able to speak  
24 with our vice president of operations, he oversees  
25 multiple gigawatts of operating projects, and I would

1 like to read verbatim what he passed on to me just so I  
2 get all the details correct, so it's a few sentences, so  
3 it won't take too long. "So RWE designs our renewable  
4 projects according to latest NERC" --

5 Q. Mr. Nelson, hold. We're on mute.

6 The people who are listening can't hear it.

7 AUDIOVISUAL TECHNICIAN: It should be okay,  
8 can you do a test.

9 MR. ACKEN: Testing, testing.

10 MEMBER SOMERS: I can hear you now.

11 MR. ACKEN: Thank you.

12 MR. NELSON: All right. I will -- I'll  
13 start from the beginning, "RWE designs our renewable  
14 projects according to latest NERC and FERC standards and  
15 best practices to help avoid adverse effects of  
16 electromagnetic and geomagnetic events. Standard design  
17 provides electromagnetic shielding on control enclosures,  
18 underground circuits, and control cables.

19 "Communication systems are primarily  
20 fiberoptic and non-metallic. Protection systems are set  
21 up to recognize and isolate overvoltage events. Surge  
22 arresters are installed on all buses. Protection systems  
23 are designed to avoid nuisance tripping due to  
24 geomagnetic events in close coordination with grid  
25 operators.

1 "O&M spares of major equipment are kept on  
2 hand for rapid deployment. RWE monitors grid events,  
3 alerts, and space, whether 24/7 in close coordination  
4 with government intelligence agencies from the RWE remote  
5 monitoring center located in Austin, Texas."

6 So, again, that is from our vice president  
7 of operations who oversees multiple gigawatts of  
8 operating projects.

9 MEMBER GOLD: Mr. Chairman?

10 CHMN STAFFORD: Yes, Member Gold.

11 MEMBER GOLD: Okay. I've listened to what  
12 you've said. Geomagnetic disturbances and  
13 electromagnetic disturbances, everything you're talking  
14 about sounds like we're talking about natural  
15 electromagnetic things equivalent to lightning. I  
16 haven't heard anything that says we're dealing with a  
17 hostile electromagnetic pulse.

18 They may be using fiberoptics, which is  
19 immune to EMP, but your cables are not fiberoptic, your  
20 cables are aluminum with steel, and that is an antenna  
21 for electromagnetic pulse. And the longer the cable, the  
22 more it absorbs. So what you're saying is not covering  
23 an electromagnetic pulse event, it is simply covering a  
24 lightning strike, which creates a minor electromagnetic  
25 pulse event, very minor.

1           And I don't think it's dealing with what we  
2 need to deal with. We're going to be in a situation that  
3 could involve a war, and we're getting closer and closer,  
4 and weapons have never been developed that have not been  
5 used. There are two types of weapons, one will be  
6 devastating to the entire country, with the exception of  
7 places that are, quote-unquote, hardened. And your team  
8 should know what that term means.

9           The question is are we hardening our  
10 structures here in Arizona. And the reason I bring it  
11 up, Arizona is more dependent on electricity working than  
12 most other places because a pump will pump water 32 feet  
13 from the ground up, and that's a manual pump, a vacuum  
14 pump. Every other pump that we have today. And our  
15 aquifers run deep, are hundreds of feet deep, and you  
16 need an electric motor to function.

17           If you don't have electricity to run that  
18 motor -- people can survive without food for a couple of  
19 weeks, but the population can survive without water for a  
20 couple of days. So that's the reason I bring this up,  
21 and I ask you to please bring it back to your people and  
22 say, hey, you're dealing with lightning strikes, you're  
23 dealing with naturally occurring events. We're talking  
24 about something that is not naturally occurring that can  
25 have devastating effects, specifically in the community



1 where you're working.

2 Mr. Chairman, I yield.

3 CHMN STAFFORD: Thank you, Member Gold.

4 Any other questions from members?

5 (No response.)

6 CHMN STAFFORD: Back to you, Mr. Acken.

7 MR. ACKEN: Thank you, Chairman.

8 Q. Just one follow up on that answer, could you  
9 identify again the entities with whom your team  
10 communicates, because I thought you said you coordinate  
11 with intelligence agencies, and maybe I misunderstood.

12 A. (MR. NELSON) Coordinate with NERC and FERC and  
13 government intelligence agencies, that's correct.

14 Q. So government intelligence agencies. Okay, and  
15 so is it your understanding that they would be focused on  
16 considerations beyond a lightning storm?

17 A. (MR. NELSON) That is -- that is correct.

18 Q. Thank you.

19 MEMBER GOLD: Mr. Chairman?

20 CHMN STAFFORD: Yes, Member Gold?

21 MEMBER GOLD: The police department, the  
22 FBI, the CIA are government agencies, however, the  
23 military is the government agency that should be  
24 specified in this case, because they are the only ones,  
25 to the best of my knowledge, who are dealing with this.

1 Now, my knowledge is a little old, but it's real. And I  
2 did not hear that you were specifically dealing with the  
3 military.

4 I yield.

5 MR. ACKEN: And thank you, Chairman  
6 Stafford and Member Gold. I understand your perspective.  
7 And if there is any additional information that we can  
8 provide, we certainly will. You know, we're limited by  
9 the people that we have testifying and maybe if we can  
10 get additional information from the VP of operations to  
11 address that, we will certainly attempt to do that.

12 Q. The -- the second question that was left open  
13 yesterday was a question about the sag of the existing  
14 line -- or not the existing line, the planned line, with  
15 a minimum sag of 32 feet. Were you able to get any  
16 additional information on what is expected versus  
17 minimum, what are the differences, you know, what can  
18 realistically be expected here?

19 A. (MR. NELSON) Yeah, so realistically we can  
20 expect 32 feet during high weather events. So the higher  
21 the temperature, the more sag it's going to be, so that  
22 would be the 32 feet number. But, realistically, when  
23 the weather is not extremely hot, it will be mid-30s  
24 for -- for the sag. Additionally, our towers are  
25 expected to be 120 feet, so a little bit shorter than

1 what's out there now.

2 Q. And to that point, you know, you said your  
3 towers, the typical would be 120, what's the basis for  
4 your understanding that the existing structure towers are  
5 taller?

6 A. (MR. NELSON) The -- I think that would be a --  
7 Mr. Hazle has that information.

8 A. (MR. HAZLE) In my experience, working on  
9 lattice-type structures on 500kV transmission lines, both  
10 on the APS system and in general in Arizona, those  
11 lattice structures have sort of a standard height of  
12 140 feet maybe with site-specific deviations where  
13 necessary.

14 Q. And so the bottom line, Mr. Nelson, is that the  
15 structures you're planning to use are on average 20 feet  
16 shorter than what is typical in the APS system?

17 A. (MR. NELSON) That's correct.

18 Q. Another question was regarding the name of the  
19 project, "Forged Ethic," and, Mr. Nelson, were you able  
20 to find some additional information to share about the  
21 history of that name and its meaning?

22 A. (MR. NELSON) I was. So the word "Forged" comes  
23 from the families working in ironworks, so that's where  
24 the word "Forged" comes from. And then I'll just -- just  
25 add that the family, by requesting RWE use the name

1 Forged Ethic, the Babbitt family wanted to make clear  
2 that RWE values align with their values when it comes to  
3 respect for the land and its inhabitants.

4 Q. And so it's safe to say the Babbitts' request to  
5 use this name indicates full support for the project?

6 A. (MR. NELSON) That's correct.

7 Q. As well as a commitment by RWE to abide by the  
8 Babbitts' legacy of sustainability in this area?

9 A. (MR. NELSON) Yes, that's correct.

10 Q. Next, I'd like you to turn to an exhibit that I  
11 did not introduce yesterday, but I wanted to do so in  
12 preparation for the testimony of Mr. Foster. I'd like  
13 you to turn to what's been marked for identification as  
14 RWE-7.

15 Do you have that in front of you?

16 A. (MR. NELSON) I do.

17 Q. And this is entitled "RWE Renewables  
18 Development, LLC, Response to Staff's First Set of Data  
19 Requests," and it's dated August 10, 2023; is that  
20 correct?

21 A. (MR. NELSON) Yes.

22 Q. And the first question is a request asked from  
23 Commission Staff asking if transmission system impacts  
24 were evaluated; is that correct?

25 A. (MR. NELSON) Yes.

1 Q. And in that answer, is the first two pages of  
2 that response a legal objection as to the relevance of  
3 that information and addressing the statutory authority  
4 of the Committee vis-a-vis the Commission, and who has  
5 the responsibility to review those studies; is that fair?

6 A. (MR. NELSON) Yes, that is.

7 Q. And then I'd like you to turn to the bottom of  
8 page 2, which gets to the -- which gets to the heart of  
9 the matter here, and why this is not an issue in this  
10 proceeding. Does the response say that, "Notwithstanding  
11 these objections, the applicant did prepare a power flow  
12 and stability analysis"?

13 A. (MR. NELSON) Yes.

14 Q. And that's what you testified to yesterday?

15 A. (MR. NELSON) That's correct.

16 Q. And that's what Mr. Foster will present in his  
17 testimony presently?

18 A. (MR. NELSON) That's correct.

19 Q. I'd like you to also address the next two  
20 questions from Commission Staff, the one -- so it's  
21 STF 1.2 asked for a description of the impact that the  
22 proposed project will have on available transmission  
23 capacity.

24 Do you see that?

25 A. (MR. NELSON) I do.

1 Q. And -- and can you kind of summarize the  
2 response, my read of it is confidence that there is  
3 sufficient capacity in this area for your project, but  
4 can you explain why you feel that way?

5 A. (MR. NELSON) That is -- that is my read of it as  
6 well, based on the report that there is plenty of  
7 available transmission capacity to accommodate this  
8 project.

9 Q. And that report is APS's OASIS?

10 A. (MR. NELSON) Yes, it's a publicly available  
11 OASIS tool.

12 Q. And how familiar are you with OASIS and what it  
13 is?

14 A. (MR. NELSON) I'm somewhat familiar, that's  
15 probably a better question for our -- for our expert, but  
16 I'm -- I use it, so I'm familiar with it.

17 Q. And is it generally, you know, this purpose, is  
18 it does exactly what it says here, identifies available  
19 transmission capacity?

20 A. (MR. NELSON) That's correct.

21 Q. And then STF 1.3 asks whether the project will  
22 improve system reliability. And can you provide a  
23 summary of the response thereto?

24 A. (MR. NELSON) Yeah, the same kind of answer.  
25 Generally, the project will increase reliability for the

1 system, so there are no reliability concerns by adding  
2 the additional power of this project to the system.

3 MR. ACKEN: Okay. Thank you. That's all I  
4 have for this panel. I would like to ask Mr. Nelson to  
5 remain for the second panel and call Stephen Foster.

6 MR. FOSTER: Thank you, Bert.

7 CHMN STAFFORD: Mr. Foster, would you  
8 prefer an oath or affirmation?

9 MR. FOSTER: Affirmation's fine.

10 (Stephen Foster was duly affirmed by  
11 the Chairman.)

12 CHMN STAFFORD: Mr. Nelson, you are still  
13 under oath.

14 Mr. Acken, please proceed.

15 MR. ACKEN: Thank you.

16

17

STEPHEN FOSTER,

18 called as a witness on behalf of the Applicant, having  
19 been previously affirmed or sworn by the Chairman to  
20 speak the whole truth and nothing but the truth, was  
21 examined and testified as follows:

22

23

D I R E C T E X A M I N A T I O N

24

BY MR. ACKEN:

25

Q. And, Mr. Foster, bring that microphone a little

1 closer to you, it makes it a little easier for the -- to  
2 be picked up on the audio.

3 Please state your name, employer, and business  
4 address for the record.

5 A. (MR. FOSTER) It's Stephen Foster, KR Saline &  
6 Associates. We are out of Mesa, Arizona, 160 --

7 MEMBER KRYDER: Little closer to your mic.

8 MR. FOSTER: Can you hear me better?

9 MEMBER KRYDER: Much better.

10 MR. FOSTER: So Stephen Foster with KR  
11 Saline & Associates, out of Mesa, Arizona.

12 BY MR. ACKEN:

13 Q. And I end up speaking almost immediately into  
14 it, so it's a little uncomfortable at first, but you get  
15 used to it.

16 In what capacity do you work at KR Saline?

17 A. (MR. FOSTER) I'm the engineering project manager  
18 for the transmission and distribution portion of KR  
19 Saline. I've been there for seven years, and I'm a power  
20 flow study engineer.

21 Q. And I'd like you to summarize your professional  
22 background and education.

23 A. (MR. FOSTER) So I've been there for seven years.  
24 Before that I was at ASU where I graduated with a B.S.E.  
25 in electrical engineering and -- yeah.



1 Q. And what do you do in your role for KR Saline?  
2 Give us kind of a week in the life, if you will.

3 A. (MR. FOSTER) For the most part myself, since I  
4 manage the transmission distribution, is dealing with the  
5 customers, trying to understand what they're looking for,  
6 how we can help. Power flow studies is the majority of  
7 what we do, and the majority of the time it's with  
8 developers. We do also do some power flow studies with  
9 some utilities. A lot of what KR Saline kind of its  
10 other aspects is it works with a lot of the smaller  
11 utilities within Arizona, electrical districts,  
12 irrigation districts, et cetera. So sometimes we get  
13 called in to do electrical engineering for them as well.

14 Q. So that's a perfect segue. Tell -- I'm not sure  
15 a KR Saline witness has testified before the Committee  
16 before, certainly hasn't in one of my cases, so explain  
17 for the committee members who may not be familiar, who KR  
18 Saline is and what it does.

19 A. (MR. FOSTER) Yeah, so for the most part, as I  
20 was kind of stating earlier, we are utility consultants,  
21 so we deal a lot with the irrigation district and  
22 electrical districts. We help manage those districts,  
23 and what they have found is that they needed engineering  
24 work, so they brought us engineers in to help build  
25 these, you know, farming communities for the state of

1 Arizona. And why they did -- when they did that, they  
2 realized there wasn't quite enough work for us, which is  
3 why they've allowed us to go out and bid work with  
4 developers and other utilities and stuff like that.

5 And what that's allowed us to do is keep our  
6 rate cheaper for these smaller farming communities and  
7 irrigation districts which helps really keep their rates  
8 down which is really good for keeping the cost of produce  
9 down, et cetera.

10 So what we've done in the past is we've worked  
11 with a lot of public power utilities around -- around the  
12 state, for the most part. We have done some within some  
13 other states as well, but for the most part it's all  
14 Arizona. We've helped construct a BTA in the past with  
15 Arizona Corporate [sic] Commission and some clients that  
16 you guys may have heard of is, SCIP, Stafford, Thatcher,  
17 Williams, and then the Arizona Irrigation Electrical  
18 Districts, for the most part. We help pool those  
19 together as well and created SPA [phonetic], which gives  
20 these smaller guys a better buying power when it goes out  
21 there, so a lot is done within KR Saline.

22 Q. What's your familiarity with the Biennial  
23 Transmission Assessment process?

24 A. (MR. FOSTER) It's quite a large process. It  
25 incorporates all the large utilities within Arizona. It

1 helps to study the reliability of Arizona, how we are  
2 going to be able to handle the loads and what's really  
3 nice about it is it gets all the Arizona utilities in the  
4 room with the Corporate Commission, to make sure what  
5 they're doing works for the ratepayers, right?

6 So, you know, and it can go anywhere from, you  
7 know, some private transmission lines going in and stuff  
8 like that that the studies have associated with it  
9 itself. And it gives kind of a public view of what's  
10 happening within Arizona utilities.

11 Q. And so is it fair to say it's a forum, a  
12 one-stop shop, if you will, to evaluate all projects that  
13 are interconnecting in the Arizona electrical grid?

14 A. (MR. FOSTER) I'm not quite sure it goes so far  
15 to incorporate all, you know, the interconnectors within,  
16 but I don't think it's -- it's that, it's more of like a  
17 realistic view on the way the utilities look at the way  
18 the grid is right now and where it's going into the  
19 future. So when you start putting too much of the  
20 interconnections and the unknowns in it, it can be really  
21 difficult. So it's more just incorporating what is  
22 known, what is our plan going forward.

23 Q. Okay. So it focuses on a realistic projection?

24 A. (MR. FOSTER) That's the way I would like to say  
25 it, yes.

1 Q. Okay. Thank you for that clarification.

2 Next, I'd like you to describe what a power flow  
3 and stability analysis is?

4 A. (MR. FOSTER) So there's kind of lot that goes in  
5 there, but power flow cases is where it kind of all comes  
6 together. We get our cases from WECC, when we use for  
7 these type of studies. We have gotten other Arizona  
8 cases, if you will, from the utilities, but they've  
9 strictly said that this is only for use within their  
10 projects, not for developer projects. But lo and behold,  
11 they get all their cases from WECC as well. WECC kind of  
12 organizes them and gets all the utilities together and  
13 finds the issues with it and incorporates it out.

14 So what we did is we took a 2028 case, WECC  
15 summer case, and then from there we are able to add --  
16 make modifications to it however we want. So we talk  
17 about that, and we'll probably talk about that a little  
18 bit more coming up. But then we can run through and we  
19 can run through outages of the electrical grid, how does  
20 it affect the rest of the electrical grid that's going  
21 on, you know, and looking at both the short-circuit  
22 analysis, looking at the thermal aspects of the grid, and  
23 looking at the stability of the grid.

24 Q. And to establish some foundation, what is your  
25 role in this project? What were you asked to do?

1           A.       (MR. FOSTER) It kind of came several -- several  
2 waves, if you will. Originally we had started this case  
3 as a, which kind of had some confusing issues with it  
4 yesterday, that is a preliminary study. This was to go  
5 into it, a response to APS's RFP. So it's basically just  
6 stating this -- this project can work successfully in the  
7 grid as is, to help move it along through the RFP  
8 process.

9                   Now, they came back, "they" as in RWE, has come  
10 back and asked us to do more than just a preliminary.  
11 They wanted to look at everything as if this was a System  
12 Impact Study, which that's where we started throwing the  
13 short circuit in there, that's where we start throwing  
14 the stability in there, and made this more of a realistic  
15 System Impact Study that they would get from APS.

16                   CHMN STAFFORD: Mr. Acken, I have a quick  
17 question. Can you flip back to the previous slide? The  
18 second bullet, it says, "Sank the power to Palo Verde Hub  
19 and CAISO," can you please elaborate, explain what that  
20 means?

21                   MR. FOSTER: Oh, yeah, so if we're going to  
22 start talking about how we utilize the case for this  
23 study, thank you for bringing that up. We added 4,000  
24 megawatts of queue. This is queue that's realistic queue  
25 is the way we like to put it. They have agreements in

1 place already with APS or, you know, another utility.  
2 We've added that in, stressing the Navajo South system,  
3 as a whole, which is the 500 that RWE is connecting into.

4 So generation and load need to be in  
5 balance at all times. So to do that you have to sink  
6 that extra power somewhere or turn power off at a  
7 different generator. So the way that APS does that, and  
8 it can change based upon where they're at in APS's  
9 system, is they'll sink that to California, which means  
10 that that extra power is going towards California turning  
11 generation down or increasing load in California, and  
12 using the Palo Verde hub.

13 Now, that's not to say that we're turning  
14 down the nuclear power at Palo Verde, it's just to say  
15 all those generators that are in that hub are helping  
16 absorb that power by decreasing. So as to bring that  
17 power from the Northern Arizona into Arizona, which is a  
18 realistic flow of what we had -- of where it would go.

19 CHMN STAFFORD: Okay. Yeah, because, like,  
20 you can't turn down the nuclear plant, it's either --

21 MR. FOSTER: Right. Right.

22 CHMN STAFFORD: -- they're trying to do  
23 that full-bore, as much as they can, and then they turn  
24 it off for refueling.

25 MR. FOSTER: Right. So there's a lot of

1 gas plants and stuff that are around Palo Verde as well.

2 CHMN STAFFORD: Right. So my understanding  
3 is that because of that, you know, it's full on out in  
4 the summertime, and they do all their servicing in the  
5 off-season, wintertime, when they can reduce that  
6 output --

7 MR. FOSTER: Uh-huh.

8 CHMN STAFFORD: -- so I guess if you had --  
9 if you had -- in times when the demand, when the load was  
10 really low, can it dip below where the standard output  
11 for the nuclear plant is? Is that looked at in any  
12 scenarios or are you focused on the extreme, like, when  
13 it's most stressed, when it's in the peak -- when it's  
14 hot out and that thing is running full-bore, and all that  
15 power is going to get used?

16 MR. FOSTER: That's correct. So we study  
17 it in the peak, most stressed conditions, that is the way  
18 APS would do the System Impact Studies as well. Our  
19 Arizona transmission system is based upon those few  
20 summer days, and that's it, right, so everything that we  
21 built is to move power in when the peak is at its highest  
22 demand.

23 You know, some other ways to look at kind  
24 of Palo Verde hub, it's a huge hub for CAISO as well.  
25 It's a way they can absorb a lot of that power, they've

1 got double 500kV lines moving power into California. So  
2 to try and sink -- or say they're moving either more or  
3 less, it's just kind of that a breeding, if you will, of  
4 the adjustments in the power flow case.

5 CHMN STAFFORD: Thank you.

6 MEMBER MERCER: Mr. Chairman?

7 MEMBER GOLD: Mr. Chair -- I'm sorry,  
8 Gabby, go ahead.

9 MEMBER MERCER: Mr. Chairman?

10 CHMN STAFFORD: Yes, Member Mercer.

11 MEMBER MERCER: I have a question. What is  
12 considered a violation?

13 MR. FOSTER: A violation, so it comes from  
14 NERC, WECC has theirs, but it's kind of based upon NERC's  
15 as well, when you have certain outages and the different  
16 outages of category -- different -- you have thermal  
17 aspects, what -- what is allowed to flow on those  
18 transmission lines or voltage regulations, which, you  
19 know, what's the voltage allowed to deviate, go up to, go  
20 down to, you know, a bunch of different regulations, it's  
21 all based upon the different outages. So kind of a  
22 simple outage that we would think of is, you know, just a  
23 transmission line or a transformer. There's some other  
24 outages to where it's a transmission pull, and on that  
25 pull, there's two transmission lines.



1 So in reality you have two lines go out.  
2 All different regulations that that has to stay within  
3 based upon those. The violation is if too much power is  
4 flowing on there, too little, too high of voltage, or the  
5 voltage adjusts too much.

6 MEMBER MERCER: Okay. Thank you.

7 MEMBER GOLD: Mr. Chairman?

8 CHMN STAFFORD: Yes, Member Gold.

9 MEMBER GOLD: Question, California has had  
10 in the past rolling blackouts, where they don't have  
11 sufficient electrical power. If we have a whole bunch of  
12 power on queue, why didn't it go to California?

13 MR. FOSTER: Well, there's -- there's kind  
14 of a lot of different things in there, you know,  
15 California themselves have a humongous queue of projects  
16 that are trying to get built. It's getting through the  
17 whole process to getting built itself. A lot of power  
18 from Arizona does go into California. APS sells some of  
19 that, some of their excess power goes into California,  
20 some of the other utilities do as well. So there is a  
21 big change back and forth between California and Arizona.

22 MEMBER GOLD: My question is, why is  
23 California having the rolling blackouts if we still have  
24 excess power?

25 MR. FOSTER: There could be -- some of it

1 is it's -- it's based upon thermal limits that are in  
2 other parts of California that maybe we can't supply.  
3 California is very large, so maybe it has some rolling  
4 blackouts from that's coming -- power coming from the  
5 north or something like that. So, you know, for every  
6 aspect that we can, we can supply them with as much power  
7 as APS and SRP have available.

8 CHMN STAFFORD: When was the last time  
9 California had rolling blackouts? I recall 2020, has it  
10 happened since then? I thought they avoided that this  
11 summer.

12 MR. FOSTER: They have had blackouts, but  
13 it's not anything like it was in 2020.

14 CHMN STAFFORD: Right. And the CAISO did a  
15 comprehensive report of the causes of those blackouts,  
16 correct? I read it when it came out and my recollection  
17 of it is that they had several gas units that were -- had  
18 unscheduled outages or they hadn't figured them being  
19 out, and just the general fact that California's  
20 over-reliant on imports for power.

21 MR. FOSTER: That's my understanding.

22 CHMN STAFFORD: And the problem that I  
23 recall from 2020 is that the heat wave encompassed the  
24 entire Southwest, so whereas in other circumstances other  
25 utilities would have been able to share the power with

1 California, in this case they were unable to because they  
2 needed to keep it for themselves and maintain their  
3 margins.

4 MR. FOSTER: Right. Right.

5 MEMBER GOLD: So do we have sufficient  
6 power to handle our major heat waves?

7 MR. FOSTER: I will let APS speak on that  
8 behalf.

9 CHMN STAFFORD: Yeah, APS is in a better  
10 position to answer that. I mean, I think they just set a  
11 new peak load of over 8 -- 8.2 or 8.3 gigawatts or  
12 something. They set a new peak record this summer for  
13 power. I'm sure their witness will be able to speak to  
14 that.

15 MEMBER GOLD: Okay.

16 CHMN STAFFORD: Or someone at APS could.

17 MR. ACKEN: And I will note the evidence  
18 in this record indicates that this project, and I'm  
19 certain -- certainly others are responding to an APS RFP  
20 for additional power. APS is continually looking for  
21 additional power to meet their ever-increasing loads.

22 MR. FOSTER: That's correct. And so is  
23 SRP. So the --

24 CHMN STAFFORD: Yeah, my understanding all  
25 the Arizona utilities are needing to replace old

1 resources and add new ones to account for the growth --  
2 the growth that we're seeing in this state, population  
3 and economically. So growth takes power.

4 MEMBER GOLD: Yes. And we need it.

5 MR. ACKEN: This Committee has seen many  
6 projects associated with data centers, and I think  
7 there's knowledge on this Committee of just how much  
8 power they use, so yes, I think that is well-established.

9 Q. Mr. Foster, I'd like you to, before you go into  
10 the study results, is there anything else you want to  
11 share about the study itself if we could go back one  
12 slide, and then the figure on the left, just kind of  
13 explain what that is for the Committee.

14 A. (MR. FOSTER) Yeah, so I will go back and state a  
15 little bit more about the study itself. We are looking  
16 at all Arizona P1 outages. And when I say "P1 outages"  
17 it's, you know, it's transmission line or a transformer  
18 or something along those lines. We're looking at it as a  
19 whole in Arizona, not just the Navajo South system.

20 We're monitoring every element within Arizona as  
21 well. So we're not just saying, oh, the Navajo system  
22 south can handle it. We're stating that with the way  
23 that we modeled Arizona, as a whole, is stable and more  
24 reliable based upon this project being built. And then  
25 I -- to state your fact, Bert, this is just kind of an

1 overview of what we see in a power flow case. I know it  
2 looks like 1980s, not much has changed since then. But  
3 anyway, it's just stating, you know, you just have a  
4 couple lines with some transformers in here. I'm pretty  
5 sure this was RWE's projects I just threw up to give us  
6 an example of something, without -- making sure I didn't  
7 give any CDII data out.

8           So this is just what we kind of see in a power  
9 flow case, and obviously, the little thicker portions of  
10 it are buses and they can branch onto additional  
11 transmission lines, and stuff like that, and you can  
12 see -- you can see the flow's on it and you can see, you  
13 know, and based upon what you have up, it will show the  
14 percentages and so forth on how much is flowing on there.

15           Q. Thank you.

16           Next, I would like you to talk about the results  
17 from your study for this interconnection project.

18           A. (MR. FOSTER) Okay. So we stated that there was  
19 no thermal loadings above normal rating conditions,  
20 that's a P0. When I talk about these different outages,  
21 different Ps, and for what is based upon it, a P0 is just  
22 everything is on, everything is working just fine.  
23 There's no thermal overloads.

24           We state that the project does not surpass the  
25 threshold of added ANPP fault currents. That's Arizona

1 Nuclear -- I can't think of the exact PP, but project --  
2 anyway, the fault current required that SRP studies that  
3 separately on how much they add to the fault current at  
4 Palo Verde and Hassayampa, and then, you know, if the  
5 developer hits that threshold, then they are required to  
6 put some money to help fix those issues at Palo Verde.

7 For this project, it's far enough away it didn't  
8 contribute and require additional needs for the Palo  
9 Verde/Hassayampa reactor, based upon our study, again,  
10 SRP will do this at their own point, they do it for every  
11 project within Arizona.

12 The project proved to adversely affect dynamic  
13 and transient response, some of the faults, so during the  
14 different faults the system was able to react within time  
15 without having catalytic issues to where the system  
16 crashed. This project does not have any issues with  
17 that, so it doesn't make it less reliable during these  
18 different outages.

19 All -- any P1 overloads that were found were  
20 found to be the responsibility of the past queue. As I  
21 stated, we added over 4 gigawatts of queue that was  
22 specifically just on our Navajo South system to really  
23 stress that path the best we could, and we found no  
24 additional P1 overloads. If we think about 4 gigawatts,  
25 that's half the peak of APS that were added that's not

1 currently on the system as of right now.

2 And, last, we did see a few voltage issues that  
3 were identified, I believe they're at Pinnacle Peak. So  
4 I guess it's a little bit hard to see, but if we kind of  
5 figure our project is up there at Cedar Mountain  
6 Moenkopi, Pinnacle Peak is where those four green lines  
7 come down, you know, our system doesn't really connect  
8 into it until it gets to the Valley and then goes over to  
9 Pinnacle Peak. But that's where we saw a couple of  
10 voltage issues. They are known issues within APS, SRP,  
11 and WAPA, they're going to go through a similar ANPP  
12 fault current thing with them with the multi-owners.

13 But that's all being dealt with, and as we  
14 stated in there, there's some, you know, changes in the  
15 way that you model things that are already existing on  
16 the power flow cases that can help deal with that or the  
17 utilities may require very similar to the ANPP fault  
18 currents to where each project that contributes so much  
19 to it will have to have a deposit.

20 MEMBER LITTLE: Mr. Chairman?

21 CHMN STAFFORD: Yes, Member Little.

22 MEMBER LITTLE: I just have a question  
23 about the last -- the last bullet there. If you sink the  
24 4 gigawatts at Palo Verde without this project, I'm  
25 assuming that those voltage issues would still exist? Is

1 it just the addition of the project most likely does not  
2 change the voltage issues that were identified; is that  
3 correct?

4 MR. FOSTER: That's correct. So it's  
5 similar to the thermal issues where our project does  
6 contribute more to it -- to the existing issue. Thank  
7 you.

8 MEMBER LITTLE: Thanks.

9 BY MR. ACKEN:

10 Q. Thank you, Mr. Foster.

11 Can you summarize, to the extent you can in  
12 layperson's terms, your conclusions regarding the  
13 interconnection's reliability on the regional grid?

14 A. (MR. FOSTER) So if we think about the regional  
15 grid, you know, these large transmission corridors,  
16 highways, if you will, were meant to bring large amounts  
17 of power into the Valley for the load, you know, the  
18 Navajo, being Four Corners, this whole system was built  
19 to move that power.

20 As we go through our generation changes through  
21 historically, it's best for us, as transmission planners  
22 and for ratepayers of Arizona to reutilize what's already  
23 been built, what's already -- what we've already paid for  
24 and not have to build a bunch of new transmission lines  
25 to build new generation projects.



1           So the fact that we're able to build on existing  
2 infrastructure that's meant to move power into the Valley  
3 without affecting the reliability of the grid, I find  
4 that very promising in a project, and for an Arizona  
5 ratepayer.

6           Q.     Thank you, Mr. Foster.

7                     He's available for further questions from  
8 the Committee.

9                     CHMN STAFFORD:   Member Gold?

10                    MEMBER GOLD:   Mr. Foster, what you're doing  
11 with this project is very admirable. I think this is  
12 great. I think everybody else is doing a great job, but  
13 I'd like to ask something on your expertise, which you  
14 may or may not be familiar with, hostile electromagnetic  
15 pulse, are you familiar with that?

16                    MR. FOSTER:   I am not familiar with that.  
17 I haven't done those type of studies, so I'm familiar of  
18 it, but not how to study it or anything like that.

19                    MEMBER GOLD:   Does your company have any  
20 dealings with that?

21                    MR. FOSTER:   We do not.

22                    MEMBER GOLD:   Okay. Thank you.

23                    MEMBER LITTLE:  Mr. Chairman?

24                    CHMN STAFFORD:  Member Little.

25                    MEMBER LITTLE:  I would just like to say

1 that great job --

2 MR. FOSTER: Thank you.

3 MEMBER LITTLE: -- great presentation. I  
4 really appreciate, in representing the public, I feel  
5 much more comfortable having this kind of information  
6 presented to us on the Committee, in making the statement  
7 that the project will indeed be a positive addition to  
8 Arizona.

9 Thank you. Great job.

10 MR. FOSTER: Thank you very much.

11 CHMN STAFFORD: Any further questions from  
12 members? Looks like that is -- we have no further  
13 questions for this witness.

14 Mr. Acken, do you have anything in  
15 addition?

16 BY MR. ACKEN:

17 Q. I have one final question for the panel as a  
18 whole, and I think I'll direct this to Mr. Nelson.

19 This is the conclusion of our direct case. Do  
20 you have any final thoughts you'd like to share with the  
21 Committee before they head into deliberations?

22 A. (MR. NELSON) Yes, first of all, thank you.  
23 Thank you, Chairman, thank you, Committee Members.

24 The RWE team strongly believes this is a very  
25 responsibly sited wind project and interconnection

1 project. The interconnection project will follow  
2 existing infrastructure within a relatively small  
3 300-foot-wide corridor. The interconnection project will  
4 utilize landowners that are willing and want this  
5 project, their grazing activities will continue. The  
6 interconnection project is a key component to the  
7 delivery of wind energy for Arizona and the Southwest  
8 United States. And the wind project itself is a great  
9 complement to all the other renewable sources in this  
10 state.

11 So we as the RW team are very excited about this  
12 project. We hope you are all excited for this project  
13 too, and we all thank you for your time and hearing us  
14 out.

15 CHMN STAFFORD: Thank you. With that, I  
16 guess we can excuse this panel and have Ms. Benally call  
17 her witness, Mr. --

18 MS. BENALLY: Jason Spitzkoff.

19 CHMN STAFFORD: Spitzkoff -- Mr. Spitzkoff,  
20 thank you.

21 MS. BENALLY: Good morning, Mr. Chairman,  
22 Committee Members. Our witness, Jason Spitzkoff, and my  
23 colleague and co-counsel, Jennifer Spina, are both in  
24 Phoenix and appearing virtually, so I'd like to see if we  
25 can get them on screen. My colleague, Jennifer Spina,

1 will be presenting our witness today, so I will turn it  
2 over to her at this point to begin the foundation and  
3 introduction of our witness.

4 CHMN STAFFORD: But, first, we need to  
5 swear him in.

6 Mr. Spitzkoff, do you prefer an oath or  
7 affirmation?

8 MR. SPITZKOFF: An affirmation, please.

9 (Jason Spitzkoff was duly affirmed by  
10 the Chairman.)

11 CHMN STAFFORD: Thank you, please proceed.

12 MS. SPINA: Good morning, Committee and  
13 Counsel. Thank you for accommodating both my appearance  
14 and Mr. Spitzkoff's appearance virtually; we appreciate  
15 that. We'll start out with just some basic questions.

16

17

JASON SPITZKOFF,

18 called as a witness on behalf of APS, having been  
19 previously affirmed or sworn by the Chairman  
20 to speak the truth and nothing but the truth, were  
21 examined and testified as follows:

22

23

D I R E C T E X A M I N A T I O N

24

BY MS. SPINA:

25

Q. Mr. Spitzkoff, would you please provide your

1 name and your business address for the Committee?

2 A. (MR. SPITZKOFF) My name is Jason Spitzkoff; I  
3 work for Arizona Public Service, and my business address  
4 is 2121 West Cheryl Drive, Phoenix, Arizona.

5 Q. Wonderful. Thank you.

6 And would you summarize your relevant  
7 educational and employment experience?

8 A. (MR. SPITZKOFF) Certainly. I have a bachelor of  
9 science in electrical engineering and a bachelor of  
10 environmental economics, both from Rutgers University.  
11 I've been working at APS for 22 years. I started as a  
12 transmission planning engineer, and I became supervisor  
13 of transmission planning and engineering group. And I am  
14 currently manager of transmission -- three departments at  
15 APS, transmission planning and engineering, transmission  
16 contracts and services, and facility siting.

17 Q. And could you describe your role at APS  
18 (inaudible) --

19 THE REPORTER: I can't hear her.

20 MR. SPITZKOFF: So two of my teams --

21 CHMN STAFFORD: Hold on a second, please.

22 I'm sorry, what's your --

23 MS. BENALLY: Ms. Spina.

24 CHMN STAFFORD: Ms. Spina, you're coming  
25 through very garbled and is she perhaps too close to the

1 microphone.

2 THE REPORTER: Probably.

3 MS. SPINA: I think it's the room's  
4 microphone, but we'll try it again.

5 CHMN STAFFORD: Is that better?

6 THE REPORTER: Yes.

7 MS. SPINA: Is that better?

8 CHMN STAFFORD: Yes, please proceed.

9 MS. SPINA: Okay. Thank you.

10 Q. I was asking Mr. Spitzkoff to please describe  
11 his role at APS as is relevant to this proceeding.

12 A. (MR. SPITZKOFF) Certainly. So two of the teams  
13 that I manage are directly involved in generator  
14 interconnection projects. The transmission contracts and  
15 services team administers the process for FERC  
16 interconnections. The transmission planning and  
17 engineering team oversees the reliability study work for  
18 those projects. And then my third team, the siting team,  
19 is the group responsible for siting new facilities that,  
20 especially the ones that require CECs from this Committee  
21 and the Commission.

22 Q. And so getting the scope of your  
23 responsibilities, are you familiar with Federal Energy  
24 Regulatory Commission's requirements for generator  
25 interconnections?

1 A. (MR. SPITZKOFF) I am.

2 Q. And are you also familiar with the Forged Ethic  
3 project?

4 A. (MR. SPITZKOFF) I am.

5 Q. And have you previously provided any testimony  
6 before this committee?

7 A. (MR. SPITZKOFF) Numerous times.

8 Q. Thank you.

9 With that I would turn the witness over for any  
10 questions the Committee may have. Thank you.

11 CHMN STAFFORD: Mr. Acken, do you have any  
12 questions?

13 MR. ACKEN: Mr. Chairman, at this time I do  
14 not. I'd like to reserve the opportunity to ask  
15 clarifying questions after Committee questions.

16 CHMN STAFFORD: Thank you.

17 Mr. Spitzkoff, I do have a question. In  
18 the prior witness's testimony, you spoke about this 4,000  
19 megawatts that's -- they considered as being added to  
20 the -- to the grid, is that -- is that the prior -- the  
21 prior cluster that APS did a System Impact Study for?

22 MR. SPITZKOFF: So, Mr. Chairman, there  
23 were many prior clusters to the cluster that this project  
24 is in, but just trying to maybe anticipate some relation  
25 back to my -- the last time I was in front of this

1 Committee with the previous project, and we talked about  
2 a 4,000 megawatt cluster, and then that project was in a  
3 2,000 megawatt cluster, those are different.

4 So those were for the projects connecting  
5 into the Four Corners Cholla area. These clusters here  
6 are all connecting into the Navajo southern transmission  
7 system, so there's -- there's a cluster that was  
8 completed in 2022 that had 2,000 megawatts; there was a  
9 cluster that was completed in 2023 that had  
10 2,060 megawatts, so my expectation is the 4,000 or  
11 4,100 megawatts that the previous witness mentioned were  
12 the two clusters prior to the one that this project is in  
13 that's in the Navajo system.

14 CHMN STAFFORD: Okay. So I just want to  
15 make that clear. So the 4,000 megawatts that we spoke of  
16 in the line siting case 222 is completely different than  
17 the megawatts we're talking about -- additional megawatts  
18 of generation we're talking about being added to this  
19 section of the grid, then, so they're completely  
20 different, correct?

21 MR. SPITZKOFF: Correct.

22 CHMN STAFFORD: Okay. All right. And then  
23 so this project is currently in a cluster to have a  
24 System Impact Study, correct?

25 MR. SPITZKOFF: Correct.



1 CHMN STAFFORD: And how many -- what is the  
2 size of that cluster, how many megawatts?

3 MR. SPITZKOFF: This project is in a group  
4 that has 1,610 megawatts.

5 CHMN STAFFORD: Okay. And I noticed that  
6 this project has a switchyard attached to it, and I  
7 understand from the prior testimony in this case that  
8 there were three other projects that will attach to that  
9 switchyard, that's correct?

10 MR. SPITZKOFF: That is correct.

11 CHMN STAFFORD: All right. Now, this is a  
12 hypothetical question, so I'm just going to make it be  
13 clear, this is a hypothetical question, say the Committee  
14 and the Commission were to deny this application for both  
15 the CECs, for the switchyard and the line, what impact  
16 would that have on the other three projects? One of them  
17 would have to build the switchyard, then; isn't that  
18 correct?

19 MR. SPITZKOFF: Yes, someone has to build  
20 the switchyard. So the first project that was in the  
21 sort of the -- actually -- actually, the first project  
22 was prior to any of the clusters I just mentioned, it  
23 was -- it predates those even, and it's in APS's queue,  
24 it's queue project number 196. That's the first one  
25 connecting to this location, and the -- the site that

1 this switchyard encompasses is where this -- that first  
2 project is planning to connect. And it is connecting  
3 just via a tap. So it's not building a full switchyard,  
4 a tap is really just a simplified plug into the existing  
5 lines.

6           Once you get more than one project, though,  
7 you need to build a full switchyard. So the second,  
8 third, or fourth project, whichever moves forward first,  
9 is when we would need that full switchyard at this  
10 location.

11           Otherwise, they -- we would have to find  
12 alternate locations to interconnect these projects where  
13 we would be able to get a CEC for a switchyard.

14           CHMN STAFFORD: Okay. Now, how many  
15 different clusters is APS currently evaluating as part of  
16 its interconnection queue? Because we have the 2,000  
17 megawatts in the Four Corners area, you have 1,060  
18 megawatts here, how many more are there, clusterswise?

19           MR. SPITZKOFF: I can estimate. I don't  
20 have that. So the way our studies work, as I mentioned  
21 last time, we have clusters -- cluster windows that are  
22 based on six-month calendar periods. Then within that  
23 six-month window, we gather all of the projects and the  
24 number of requests within that window, we will then break  
25 into sub-clusters based off of geographic and electric

1 proximity.

2 So from a -- from a calendar standpoint,  
3 you know, we have a certain number of clusters, but what  
4 we're running into sort of between the last project and  
5 this project is talking about clusters in the sub-cluster  
6 sense. And I don't want to assume, but I think that is  
7 more to the nature of what you were asking about.

8 CHMN STAFFORD: Right. So I think I'm  
9 understanding what you're saying, so you have a cluster  
10 initially is a -- set by the time frame to submit the  
11 request, and that's further broken down by location,  
12 then?

13 MR. SPITZKOFF: Yes, yeah. And then to  
14 just follow up more on your question, off the top of my  
15 head I would generally say we probably have five or six  
16 different subregions that we would break a cluster into,  
17 Four Corners Cholla, Navajo, Metro Phoenix, and then we  
18 have a cluster out to the west around the Palo  
19 Verde/Hassayampa -- Hassayampa, North Gila, and then  
20 Pinal County.

21 So I wasn't tracking how many that was,  
22 but -- and then there could be one-off clusters, if we  
23 have smaller projects just in a remote part of the area  
24 that really are a cluster of one.

25 CHMN STAFFORD: Is Yuma its own cluster

1 area geographically.

2 MR. SPITZKOFF: Yes, actually, Yuma would  
3 be an area, yes.

4 CHMN STAFFORD: Any other questions from  
5 members? I seem to recall that someone had a question  
6 they directed to the previous panel, but probably more  
7 appropriately addressed to APS.

8 Was that you, Member Gold?

9 MEMBER GOLD: Yes, Mr. Chairman. Thank  
10 you. Ms. Spina and Mr. Spitzkoff, thank you for  
11 attending this and being present, I appreciate that. I  
12 have a question regarding Mr. Spitzkoff.

13 Do you have knowledge or an expertise in  
14 electromagnetic pulse, specifically hostile  
15 electromagnetic pulse?

16 MR. SPITZKOFF: I do not.

17 MEMBER GOLD: Do you know anybody in your  
18 organization who does?

19 MR. SPITZKOFF: I believe we have at least  
20 one or two people that would certainly have more  
21 knowledge than I would. But probably in terms of how an  
22 electromagnetic pulse would interact with the  
23 transmission system, that aspect I would say we do.

24 MEMBER GOLD: I'm sorry? You said "that  
25 aspect," I didn't understand the last word.

1 MR. SPITZKOFF: We do have an expert.

2 MEMBER GOLD: Okay. Is there any  
3 possibility -- yeah, first of all, regarding this  
4 project, I like this project, I have no complaints. I  
5 think the panel has done an excellent job. I'm talking  
6 about security of our entire grid, is there any  
7 possibility that that individual or individuals could be  
8 made available to us?

9 MR. SPITZKOFF: In -- in this hearing?

10 MEMBER GOLD: Perhaps in a future hearing,  
11 but made available to us for the next hearing at the very  
12 latest.

13 MR. SPITZKOFF: We can look into that. I  
14 would -- I would generally say yes, with the caveat of  
15 just ensuring that that discussion would be able to take  
16 place in a public forum. Sometimes when you're dealing  
17 with the reliability of the transmission system, it's  
18 conversations that should not be in a public forum.

19 MEMBER GOLD: Well, my military background  
20 says when you're dealing with enemy capabilities and  
21 enemy information, you can broadcast that information in  
22 the clear because the enemy knows what their capabilities  
23 are. I'm concerned with our security, and the reason I'm  
24 concerned with it is Arizona, specifically, is very  
25 dependent, I mean, it's life or death because we have to

1 draw our water from wells, and that requires electricity.

2 If we have a hostile electromagnetic action  
3 taken against us, you cannot expect our population to  
4 survive more than a week, and that is something that I  
5 think is seri- enough -- serious enough for APS to  
6 consider and certainly I would like to know what's going  
7 on and what we're doing to take consideration -- into  
8 consideration to harden our system. That's the reason  
9 I'm asking.

10 CHMN STAFFORD: Member Gold -- Member Gold,  
11 I think that -- I hear what you're saying, I understood  
12 your question, but I think that APS can't really discuss  
13 the vulnerabilities of its system in a public forum,  
14 because, again, it's not describing what the enemy's  
15 capabilities are, it's what is our vulnerability to what  
16 they may have.

17 So that's -- and I think, Ms. Benally and  
18 Mr. Acken, correct me if I'm wrong, but I do believe that  
19 the Commission has had some briefings about security of  
20 the grid, and they do receive information from the  
21 utilities under seal that's not publicly available, that  
22 they enter into a nondisclosure or protected agreement to  
23 seal the information that they don't want to put out  
24 publicly that would potentially endanger the grid.

25 MEMBER LITTLE: That's correct,

1 Mr. Chairman.

2 MR. ACKEN: And I can -- I can affirm that  
3 it is standard practice in these proceedings and in  
4 10-year plan dockets that we submit information, such as  
5 the study presented by Mr. Foster, the full studies as  
6 presented, pursuant to a protective agreement, because it  
7 contains critical energy infrastructure information. And  
8 that information cannot be disclosed in a public forum,  
9 and that's -- and the witness, and maybe Mr. Foster can  
10 speak to that better, as to why that is the case.

11 I realize I don't want to steal your  
12 witness's -- but that's my understanding, and we can make  
13 a witness available, if necessary, at the appropriate  
14 time to confirm that.

15 MEMBER LITTLE: Mr. Chairman?

16 CHMN STAFFORD: One second, I believe  
17 Ms. Benally was going to address that point and then  
18 we'll go to your question. Thank you.

19 MS. BENALLY: Thank you, Mr. Chairman.

20 APS also can affirm that any of the studies  
21 that are deemed to be critical energy electric  
22 infrastructure information is made available, as needed,  
23 pursuant to a nondisclosure agreement with Commission  
24 Staff and others who may have a need to see that  
25 information to conduct, you know, their various studies

1 and evaluations, based on that information.

2 CHMN STAFFORD: Thank you.

3 Member Little.

4 MEMBER LITTLE: Mr. Chairman, I would just  
5 like to suggest that perhaps this issue might best be  
6 addressed by asking a question of Staff who do have  
7 access to the non- -- the confidential information,  
8 asking for some assurance from them, not specific  
9 information, but just assurance in this particular area,  
10 and then we could rely upon their opinion.

11 CHMN STAFFORD: Thank you.

12 MEMBER KRYDER: Mr. Chairman?

13 CHMN STAFFORD: Member Kryder.

14 MEMBER KRYDER: Just to follow up on this  
15 discussion, thank you very much for the information you  
16 provided. Specifically, Member Gold spoke about EMPs  
17 within your -- your company, is there specifically a  
18 person who is tasked to know, understand, speak with top  
19 management, speak with security, and so on? So the  
20 question evolves to, is there one person or more who is  
21 tasked to deal with and speak about EMPs?

22 CHMN STAFFORD: Or do you mean, like, just  
23 the physical security of the grid, in addition to -- not  
24 just EMPs, but you know, people shooting transformers or  
25 whatnot?



1 MEMBER KRYDER: Yes, I certainly would  
2 include that, but the EMP is what I'm more concerned  
3 about right now, since with this -- with the members of  
4 the panel that are here. So that's --

5 MS. BENALLY: Mr. Chairman, may I?

6 CHMN STAFFORD: Yes, please, Ms. Benally.

7 MS. BENALLY: I agree with Member Little.  
8 I think, you know, following her suggestion would provide  
9 the information that the Committee is interested relative  
10 to EMPs. We can certainly and are happy to work with  
11 Commission Staff on evaluating and providing whatever  
12 information that would allow the Committee to get  
13 comfortable with the questions that they've been asking  
14 around EMP.

15 MEMBER GOLD: Great.

16 CHMN STAFFORD: Thank you.

17 MEMBER KRYDER: Much appreciated.

18 CHMN STAFFORD: Thank you. Anything  
19 further, Ms. Benally?

20 MS. BENALLY: I do not have anything  
21 further. Let me also go to Ms. Spina and see if she has  
22 anything she would like to add.

23 MS. SPINA: I don't think I have anything  
24 independent or anything else other than what you've  
25 indicated, Ms. Benally. Thank you.

1 Jason, Mr. Spitzkoff, anything you would  
2 like to add.

3 MR. SPITZKOFF: No.

4 CHMN STAFFORD: Mr. Acken, did you have any  
5 questions to ask the witness?

6 MR. ACKEN: I do not. Thank you.

7 CHMN STAFFORD: Anything further from  
8 members?

9 (No response.)

10 CHMN STAFFORD: All right. Well, looks  
11 like we are done with your witness, Ms. Benally; they're  
12 excused.

13 MS. BENALLY: Thank you.

14 CHMN STAFFORD: I guess, up next,  
15 Mr. Acken, we have some -- a few loose ends to tie up  
16 before we go into deliberations?

17 MR. ACKEN: What loose ends do we have to  
18 tie up, I'm sorry?

19 CHMN STAFFORD: Well, according to my  
20 notes, I have not yet admitted RWE-3 or 7.

21 MR. ACKEN: Someday I'll remember to do  
22 that. The applicant offers for admission Exhibits RWE-3  
23 and 7.

24 CHMN STAFFORD: Those are admitted.

25 (Exhibits RWE-3 through RWE-7 were

1 admitted into evidence.)

2 MR. ACKEN: Thank you.

3 CHMN STAFFORD: All right. Have you  
4 received the Chairman's exhibits?

5 MR. ACKEN: We have. And Grace has them  
6 available to show on the screen.

7 CHMN STAFFORD: All right. Well, I think  
8 this is a good stop to take a 10-minute break and get  
9 those queued up. And I also need another cup of coffee  
10 and looking around the room, I think some of my fellow  
11 members would agree, so let us take a 10-minute recess.

12 We stand in recess.

13 (Recessed from 10:07 a.m. until 10:29 a.m.)

14 CHMN STAFFORD: All right. Let's go back  
15 on the record.

16 All right. Members, now it's time to  
17 consider and vote on the proposed Certificate of  
18 Environmental Compatibility. On the left we have the PDF  
19 of the CEC submitted by the applicant. Let's mark that  
20 as Chairman's Exhibit 1. On the right screen we have the  
21 Word document of it marked as Chairman's Exhibit 2, it's  
22 named CEC-225-A. So this is the draft submitted by the  
23 applicant, and this is the Word document that we'll be  
24 working off of to vote on.

25 Is that clear, Members?

1 (No response.)

2 CHMN STAFFORD: Okay. Can I get a motion?

3 MEMBER RICHINS: Chairman, this is Dave  
4 Richins, in the packet we have -- the one that -- the  
5 packet that I got it says 225-1, not A, is that -- that's  
6 going to be changed here that's being shown?

7 CHMN STAFFORD: That is on the left screen,  
8 that is the -- the draft CEC submitted by the applicant.

9 MEMBER RICHINS: Okay. All right. I just  
10 want to make sure I was going off the right -- correct  
11 one.

12 CHMN STAFFORD: And can you see the right  
13 screen in the CEC-225-A that's the one we'll be marking  
14 up for the Committee.

15 MEMBER RICHINS: Yeah, I can only see  
16 one -- oh, I can only see one screen on the Zoom call,  
17 but I am indeed looking at 225-A.

18 CHMN STAFFORD: Okay. All right. Do we  
19 need to send that to you? Do you have that -- did you  
20 get that as an e-mail or something?

21 MEMBER RICHINS: No, I have the original  
22 CEC that was sent via mail in front of me.

23 CHMN STAFFORD: Okay.

24 MEMBER RICHINS: But I can also see the one  
25 on the screen.

1 CHMN STAFFORD: Okay. And that's the Word  
2 document. Okay, good, that's the one we're working on,  
3 and that's the one I sent out this morning, okay. All  
4 right.

5 MEMBER RICHINS: Oh, perfect, okay.

6 MEMBER FRENCH: Mr. Chairman, I'll move the  
7 admission of Chairman's Exhibit 1 and 2.

8 MEMBER KRYDER: Mr. Chairman I second that  
9 motion.

10 CHMN STAFFORD: They're admitted.

11 What we need to move is to consider them,  
12 because we'll move the item and then we'll go through and  
13 adopt the different provisions of it.

14 MEMBER FRENCH: So moved.

15 CHMN STAFFORD: All right. All in favor?

16 (A chorus of ayes.)

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: All right. Let us begin.

20 Can you please scroll up to the  
21 introduction section.

22 The change that I recommended here was that  
23 I don't think we need to paren the application, this is  
24 the only application we're talking about, it's pretty  
25 clear. And I changed it so the certificate or CEC is

1 delineated after the stating of the Certificate of  
2 Environmental Compatibility.

3 And then I've already -- since Member  
4 Fontes was not in attendance, I've already removed him  
5 from the list of members in attendance.

6 MR. KRYDER: He has resigned?

7 CHMN STAFFORD: No, he just couldn't make  
8 this meeting. He had some situation where he's  
9 unavailable this week.

10 MEMBER MERCER: Is Member Somers present?

11 CHMN STAFFORD: Member Mercer?

12 MEMBER MERCER: Member Somers is not --

13 MEMBER SOMERS: Member Somers is present.

14 MEMBER MERCER: Oh, sorry.

15 CHMN STAFFORD: Yes, everyone is here but  
16 Member Fontes. And, of course, we'll come back and fill  
17 in the vote after it actually happens, but that's the one  
18 thing.

19 MEMBER LITTLE: Mr. Chairman, I move the  
20 introduction, from the beginning through line 11 on  
21 page 2.

22 MEMBER FRENCH: Second.

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

24 (Chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, the  
3 introduction through line 11 of page 2 is adopted.

4 What about lines 12 through 18, subject to,  
5 of course, filling in the correct vote count?

6 MEMBER LITTLE: I thought we did that at  
7 the end.

8 CHMN STAFFORD: I didn't hear that.

9 MEMBER LITTLE: I thought we did that at  
10 the end, after we --

11 CHMN STAFFORD: Yeah, we will -- we will,  
12 but we have to approve this section before we get to  
13 that.

14 MEMBER KRYDER: Subject --

15 CHMN STAFFORD: Pardon.

16 MEMBER KRYDER: Subject to --

17 CHMN STAFFORD: Correct. Subject to the  
18 vote count.

19 MEMBER FRENCH: Mr. Chairman, I'll move  
20 lines 12 through 18 on page 2, subject to the addition of  
21 the vote count at the end of --

22 CHMN STAFFORD: Either agree or deny?

23 MEMBER FRENCH: Correct.

24 MEMBER DRAGO: Second.

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

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, that  
5 section's adopted.

6 Moving on to the project description.

7 MEMBER FRENCH: Mr. Chairman?

8 CHMN STAFFORD: Yes.

9 MEMBER FRENCH: On line 22, in  
10 parentheticals, it says, "The non-jurisdictional wind  
11 project," I don't believe I've seen that before. Is  
12 there anybody here that could expound on that?

13 CHMN STAFFORD: I think we have because  
14 the -- we're only siting the transmission line and the  
15 switchyard, we're not siting the wind project.

16 MEMBER FRENCH: Right. I understand. And  
17 we have heard many cases where the generation source is  
18 non-jurisdictional, such as solar projects and wind  
19 projects. I just don't remember seeing that specific  
20 call-out in other cases.

21 Mr. Acken, could you expound on that at  
22 all?

23 MR. ACKEN: I wrote that project  
24 description, but I don't recall off the top of my head  
25 whether I used language from a prior one or not. So I



1 can't tell you sitting right here whether I have used  
2 that "non-jurisdictional" when referring to the renewable  
3 energy project. I can take a quick, quick look while --  
4 at some prior CECs if you'd like while we're sitting  
5 here, I just don't remember.

6 MEMBER FRENCH: If you could, please.

7 CHMN STAFFORD: Yes, thank you.

8 MEMBER RICHINS: This is Member Richins, I  
9 think it's very appropriate language to include to make  
10 sure that we keep that clear as we go through this  
11 process. I'd like to see it stay.

12 CHMN STAFFORD: All right. Well, subject  
13 to confirmation of Mr. Acken about prior, we'll come back  
14 to that. Can you scroll down on both screens to look at  
15 the rest of the section?

16 And I had a question about this. Perhaps  
17 Mr. Acken can address this. I'm going to jump around  
18 here for a minute. If you look at Chairman-1, on the  
19 left, line 11, it says that the final right-of-way with  
20 the transmission line within the project corridor will be  
21 200 feet, but when you look to Condition 18, on page 8,  
22 it states that it does not authorize a right-of-way  
23 greater than 250 feet.

24 MR. ACKEN: Yeah.

25 CHMN STAFFORD: Which one is it, 200 or

1 250?

2 MR. ACKEN: Yeah, that's a good catch. The  
3 testimony in this case is that it's going to be 200 feet,  
4 and so the condition was just I missed making that change  
5 from a prior case, so it should be 200.

6 I was able to find my most recent case,  
7 which was case 217, from -- approved by the Commission on  
8 May 9th, 2023, where it does refer to it as the  
9 non-jurisdictional generating facility, so --

10 CHMN STAFFORD: All right. Thank you.

11 MEMBER FRENCH: Thank you, Mr. Acken.

12 CHMN STAFFORD: All right. So let's move  
13 back up to -- well, let's look at the project description  
14 first on page 2, lines 20 through 27, on the left screen.  
15 I'm not sure what they come out to on the right, is it  
16 the same?

17 You need to go up on the right screen to  
18 the previous page. There you go.

19 MEMBER LITTLE: Mr. Chairman, I approve the  
20 project description with the correction from CEC-1 to  
21 CEC-A and CEC-2 to CEC-B.

22 CHMN STAFFORD: I've already made that  
23 change. We're voting on the one on the right, not the  
24 one on the left.

25 MEMBER LITTLE: Ah.

1 CHMN STAFFORD: So if you can --

2 MEMBER LITTLE: I move we approve the  
3 project description.

4 MEMBER FRENCH: Second.

5 CHMN STAFFORD: All right. Discussion of  
6 it -- please scroll down.

7 Okay. So the first page, so we're looking  
8 at page 3, lines 1 through 15.

9 MR. HAZLE: Page 3?

10 CHMN STAFFORD: Page 3, lines 1 through 15.  
11 That's the last part of the project description.

12 MR. HAZLE: Okay.

13 CHMN STAFFORD: Is that the same on both  
14 screens? Okay.

15 MR. HAZLE: Yup.

16 CHMN STAFFORD: So what we need to do is on  
17 the right screen -- oh, you've already made the change to  
18 200 feet on the right?

19 MR. HAZLE: Yes.

20 CHMN STAFFORD: Okay. So that's -- we'll  
21 need to make that change. We'll need to vote that change  
22 to change it back, and then we'll need to accept the  
23 changes to the --

24 MEMBER LITTLE: 200 feet is correct, it's  
25 the same as it is over here on the left.

1 CHMN STAFFORD: They've already changed it.  
2 In the draft that I have it's 250. I made them both 250,  
3 because I wasn't sure which one to go, that's when I  
4 asked him is it 200 or 250. I said make sure they're  
5 both the same, because I think in my draft I made them  
6 both the same and it was 250 and it needs to be changed  
7 to 200.

8 MEMBER LITTLE: So moved.

9 MEMBER GOLD: He changed it while you were  
10 talking.

11 CHMN STAFFORD: Yeah, yeah. Okay.

12 Scroll down to see the rest of it.

13 Okay. So if we get a motion to adopt  
14 the -- the project description as it appears on the right  
15 screen or Chairman's 2.

16 MEMBER RICHINS: So moved.

17 MEMBER LITTLE: Second.

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, the project  
23 description is adopted.

24 So now you can go ahead and accept those  
25 changes. The previous section too, accept them. There

1 we go.

2 All right. Moving on to conditions. Now,  
3 in Chairman's 2 I've already stricken the CEC where --  
4 the prior CEC reference, so that's already out, so we  
5 don't need to vote that. It's just showing what's  
6 happened because you can see where it's still on the left  
7 screen. So it's already been removed in what we're  
8 looking at. So if we adopt Condition 1 as it appears  
9 there, the CEC referenced at the end of the paragraph is  
10 already removed, it's just there for -- so you can see.

11 MEMBER KRYDER: So, Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: I move acceptance of  
14 Condition Number 1.

15 MEMBER MERCER: Second.

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 1  
21 is adopted.

22 Moving to Condition 2. Now, in this one  
23 I've accepted the changes that Mr. Acken proposed in his  
24 draft to remove the "City of Buckeye" and make it  
25 "Coconino County," instead of "Maricopa County." The

1 only question I would have is does -- should the  
2 applicant also be notifying the State Land Department?

3 MR. ACKEN: I'm sorry, Mr. Chairman, I was  
4 trying to address the screen sizing. Was there a  
5 question to me?

6 CHMN STAFFORD: Yes, yes. Does -- in  
7 Condition Number 2 I accepted the change you proposed to  
8 remove "Maricopa" and replace it with "Coconino" and to  
9 remove the "City of Buckeye." My question to you is, do  
10 we need to also add the Arizona State Land Department for  
11 notification as they are one of the affected  
12 jurisdictions?

13 MR. ACKEN: Mr. Chairman, it has not been  
14 that way in the past and I would caution against adding  
15 it here for the reasons, the testimony in this case is  
16 the applicant is working with State Land with respect to  
17 right-of-way both for the generating facility and the  
18 transmission line, and so certainly they'll be working  
19 hand in hand and State Land will know exactly what's  
20 going on with this project. This -- this is really  
21 designed to provide notice to those who might not be  
22 familiar with the current status of the project to  
23 provide updates, but the fact of the matter is if there's  
24 going to be an update needed, you're going to also likely  
25 have to work with the State Land on that as well. So my

1 suggestion would be it's not -- or my recommendation and  
2 ask would be that it's not necessary because of the close  
3 coordination with State Land, who is yes, an affected  
4 jurisdiction, but they're also a landowner with whom you  
5 need to seek a right-of-way. So you're in very close  
6 communication throughout the process with them.

7 CHMN STAFFORD: Okay. I'm satisfied with  
8 that. One thing the change to the prior condition  
9 hasn't -- the last part -- that change hasn't been  
10 accepted, removing the reference to the prior CEC.

11 MR. HAZLE: In Condition 1 or --

12 CHMN STAFFORD: Condition 1. We've already  
13 adopted that, so there you go. Yeah, you can just take  
14 those out.

15 MEMBER KRYDER: Well done.

16 CHMN STAFFORD: All right.

17 MEMBER KRYDER: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member Kryder.

19 MEMBER KRYDER: I move that we approve  
20 Condition 2, as written on the right-hand screen here.

21 MEMBER DRAGO: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

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

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

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

5 Moving on to Condition 3. I've accepted  
6 the changes to the change of county and removing "City of  
7 Buckeye" and the reference to the prior CEC at the end of  
8 the paragraph, at the condition.

9 MR. HAZLE: Would you like me to accept the  
10 references to the --

11 CHMN STAFFORD: Yes, you can remove that  
12 now.

13 MR. HAZLE: Okay.

14 CHMN STAFFORD: Thank you.

15 MEMBER FRENCH: Move Condition 3.

16 MEMBER MERCER: Second.

17 MEMBER LITTLE: Mr. Chairman, I have  
18 something that I just would like to mention.

19 CHMN STAFFORD: Further discussion, Member  
20 Little.

21 MEMBER LITTLE: Thank you. The ADFG letter  
22 recommended that best management practices for  
23 construction be adhered to during the construction. I'm  
24 wondering, I know that, you know, this condition pretty  
25 much covers all regulations, stipulations, conditions,



1 blah, blah, blah, blah, but the recommendations that come  
2 through in letters from people, I'm wondering if maybe we  
3 should include those in this condition.

4 MR. ACKEN: Mr. Chairman, can I speak to  
5 that?

6 CHMN STAFFORD: Yes, Mr. Acken, please.

7 MR. ACKEN: And thank you, Member Little.  
8 The testimony of Mr. Brasier in this case is that those  
9 recommendations that relate to the transmission line are  
10 the standard mitigation measures that are found in  
11 Conditions 5 and 6. So you have Condition 3, which is  
12 kind of your general, but 5 and 6 are specifically  
13 referenced Game & Fish guidelines. And then 6 is the  
14 APLIC standards, which are part of the Game & Fish  
15 recommendation. So that was Mr. Brasier's testimony.

16 MEMBER LITTLE: And I agree. Thank you.

17 CHMN STAFFORD: All right. Condition 3 has  
18 been moved and seconded.

19 All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, Condition 3  
24 is adopted.

25 Moving on to number 4. On the right-hand

1 screen it shows that the -- it reflects the proper county  
2 and does not reference the City of Buckeye and removes  
3 the prior CEC reference.

4 MEMBER MERCER: Mr. Chairman, I move  
5 Condition 4.

6 MEMBER LITTLE: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say "aye."  
10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 4  
14 is adopted.

15 Moving on to Condition 5. And you can  
16 accept the removal of the -- you can do these as we go.

17 MR. HAZLE: Okay.

18 CHMN STAFFORD: Because it's on this one  
19 here, but I just left it there showing it stricken so it  
20 would be easier instead of looking back and forth.

21 MEMBER KRYDER: Mr. Chairman?

22 CHMN STAFFORD: Yes, Member Kryder.

23 MEMBER KRYDER: I move the acceptance of  
24 Condition 5, with the noted change of removing CEC-221.

25 MEMBER RICHINS: Second.

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

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, Condition 5  
6 is adopted.

7 The CEC, the number at the end, it's  
8 already removed.

9 MEMBER KRYDER: Okay. Thank you.

10 CHMN STAFFORD: Moving on to Number 6.

11 MEMBER RICHINS: Move to approve.

12 MEMBER FRENCH: Second.

13 CHMN STAFFORD: Did you get the movement?

14 Okay. Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 6  
21 is adopted.

22 Moving on to 7. Now, this one there is a  
23 suggested change by Mr. Acken from "project area" to  
24 "final right-of-way." Can you address that for us,  
25 please, Mr. Acken?

1 MR. ACKEN: Thank you, Mr. Chairman. Yes,  
2 this is just an attempt to provide better clarity. I  
3 don't believe "project area" is defined in the  
4 certificate, whereas, the right-of-way certainly is. And  
5 the intent, of course, is to complete that Class III  
6 cultural survey in the right-of-way itself. And so  
7 this -- we thought this was just tighter, clearer  
8 language, and consistent with the regulatory requirement  
9 and the testimony here, and the applicant's commitment to  
10 do so.

11 MEMBER LITTLE: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Little.

13 MEMBER LITTLE: Mr. Acken, what -- I would  
14 agree with this, but I'm also wondering, the roads that  
15 are used, you know, the trucks sit outside of the  
16 right-of-way when they're maybe clearing land, digging,  
17 whatever they're doing. I'm just wondering if there is  
18 anything that requires an applicant, not just you, but an  
19 applicant to consider cultural resources in any area that  
20 is used or disturbed?

21 CHMN STAFFORD: Well, before we answer  
22 that, I do know there is a difference between private  
23 land and State Trust Land in this respect, correct?

24 MR. ACKEN: Mr. Chairman, Member Little,  
25 that's exactly correct. When we're on state land any

1 project on state land has to do with that survey for any  
2 ground disturbance, and so I think that Mr. Hazle may  
3 have testified to that, if not, he can certainly confirm.  
4 And that is the case on the State Trust Land. You don't  
5 have the same obligations on private land, and so usually  
6 on private land you're working with a private landowner  
7 as to how much survey do they want and what is done, but  
8 as far as what is legally required, it's state land,  
9 so --

10 MEMBER LITTLE: Thank you.

11 MEMBER KRYDER: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Kryder.

13 MEMBER KRYDER: Question to Mr. Acken, we  
14 spoke a little earlier that the right-of-way is 200 feet,  
15 correct?

16 MR. ACKEN: That's correct.

17 MEMBER KRYDER: And so speaking to Member  
18 Little's question, suppose a pickup truck or somebody  
19 pulls off more than the, you know, more than 100 feet to  
20 the right or the left of where the lines are going,  
21 they -- and it was on private land, okay, so the  
22 landowner says, yeah, you can drive over there, but they  
23 didn't ask the rattlesnake that was there. That was  
24 perhaps the sense of the original project area rather  
25 than right-of-way.

1 MR. ACKEN: I can't speak to where that  
2 "project area" came from, because I'm just not familiar  
3 with it. I don't think it came from one of my cases. As  
4 it relates to biological resources, again, that's  
5 addressed in 5 and 6, and so you have best management  
6 practices as it relates to access roads, you know, and I  
7 think one of the critical things is education of the  
8 construction workers. So they will be educated on  
9 noticing both biological resources, cultural resources,  
10 you know, areas are staked. And so there's a lot of  
11 efforts to go to prevent that from happening.

12 What I would say as it relates to cultural  
13 resources, I'm not even sure if this condition -- this  
14 condition's already been satisfied, this condition  
15 is -- because this condition occurs when a project hasn't  
16 even done a Class III survey, which this Committee sees  
17 periodically. Here the testimony, I think, and please  
18 correct me if I'm wrong, we've got a Class III survey  
19 that's already been done for the entire right-of-way, and  
20 probably includes some area outside.

21 So the project before you is in a much  
22 better shape with respect to knowledge of what the  
23 cultural resources are than many that you will see. And  
24 that's why you heard the testimony yesterday about the  
25 one known cultural resource site that is located in the

1 corridor. Well, they already know -- the applicant  
2 already knows about it, and has already committed and  
3 knows that they can design around it.

4 So that's why it's done. I think in this  
5 case it's great that they have it, and to the discussion  
6 I was having with the Chairman and Member Little earlier,  
7 there's not necessarily a requirement to do that Class  
8 III on private lands, but here that entire corridor which  
9 includes private lands has been surveyed.

10 MEMBER KRYDER: I accept that,  
11 Mr. Chairman.

12 CHMN STAFFORD: Can I get a motion?

13 MEMBER KRYDER: Mr. Chairman, I move that  
14 Condition Number 7 be approved as printed on the right  
15 screen.

16 (Interruption in the proceedings.)

17 CHMN STAFFORD: Who's -- I heard a voice.

18 MEMBER KRYDER: That was Scott, I think.

19 CHMN STAFFORD: Did you catch who the  
20 speaker was?

21 MEMBER SOMERS: No, that was me, I  
22 apologize. There was a little background noise here.

23 CHMN STAFFORD: Okay. All right. All  
24 right. So you gave a second, then, correct, Member  
25 Somers, is that what you did or did you ask a question?

1 MEMBER SOMERS: No, that was just backup  
2 noise, I was getting ready to vote and I hit the unmute  
3 button, so you were hearing what was behind me.

4 CHMN STAFFORD: Okay.

5 MEMBER MERCER: I second.

6 CHMN STAFFORD: Okay. Thank you.

7 So just to be clear it's to -- on the  
8 right-hand screen, "the project area" has been removed  
9 and "right-of-way" is in. So you're moving to accept  
10 that change, correct?

11 MEMBER MERCER: Yes.

12 MEMBER KRYDER: That is correct.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 7  
20 is adopted.

21 Moving on to Condition 8.

22 MEMBER LITTLE: Mr. Chairman, I move  
23 Condition 8.

24 MEMBER FRENCH: Second.

25 CHMN STAFFORD: Further discussion?



1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 8

7 is adopted.

8 Moving on to Condition 9.

9 MEMBER FRENCH: Move Condition 9.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 9

18 is adopted.

19 Moving on to 10.

20 MEMBER MERCER: I move Condition 10.

21 MEMBER LITTLE: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

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

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, Condition 10  
4 is adopted.

5 Condition 11. The only difference between  
6 the left and right screen is that "signage" is no longer  
7 capitalized.

8 MEMBER FRENCH: Move Condition 11.

9 MEMBER DRAGO: Second.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

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

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition  
17 11's adopted.

18 Moving on to 12. As you can see, I  
19 accepted the changes to the county and removing the "City  
20 of Buckeye" which is not an affected jurisdiction in this  
21 matter, and of course, the prior CEC reference. They  
22 need a space after "County."

23 MR. HAZLE: Where do you want a space?

24 CHMN STAFFORD: It was highlighted blue,  
25 because -- there needs to be a space between the comma

1 and the "and," something is not right with the spacing  
2 there.

3 MR. HAZLE: I think it's disagreeing with  
4 the use of a compound sentence. Would you like to remove  
5 the comma?

6 CHMN STAFFORD: No.

7 MR. HAZLE: Okay.

8 MEMBER KRYDER: Mr. Chairman?

9 CHMN STAFFORD: Member Kryder?

10 MEMBER KRYDER: I move approval of  
11 Condition 12, as shown on the right-hand screen.

12 MEMBER FRENCH: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

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

21 Moving on to 13.

22 MEMBER LITTLE: Mr. Chairman, I move  
23 Condition 13.

24 MEMBER MERCER: Second.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 13

7 is adopted.

8 Number 14.

9 MEMBER FRENCH: Move Condition 14.

10 MEMBER DRAGO: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 14

18 is adopted.

19 Moving on to Condition 15.

20 MEMBER LITTLE: Mr. Chairman, I move

21 Condition 15.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

25 CHMN STAFFORD: I think if -- if you -- if

1 you are referring to, what is it, the RWE Exhibit 7, I  
2 believe, was the response to the Staff data request?

3 MR. ACKEN: That's correct.

4 CHMN STAFFORD: Yes, I believe in the first  
5 response, point out that the ultimate decision on the  
6 interconnection is with FERC under NERC standards, and  
7 this would address those concerns to say that a project  
8 is not going to get connected to the grid if it resulted  
9 in a detriment without mitigation measures in place to  
10 alleviate those. This is where the rubber meets the road  
11 for reliability issues, is it not?

12 MEMBER LITTLE: Yes.

13 CHMN STAFFORD: Who said yes?

14 MEMBER LITTLE: I did. Member Little.

15 CHMN STAFFORD: Okay. All right. So this  
16 has been moved and seconded, correct?

17 MEMBER LITTLE: Yes.

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 15  
23 is adopted.

24 Moving on to 16.

25 MEMBER LITTLE: Mr. Chairman, I move

1 Condition 16.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 15  
10 is -- 16 is adopted. We were on 16, right?

11 MEMBER MERCER: 17. We're moving on 17.

12 CHMN STAFFORD: All right. We've already  
13 accepted 15 and 16, now on to 17.

14 MEMBER FRENCH: Move Condition 17.

15 MEMBER MERCER: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none.

23 Condition 17 is adopted.

24 Moving on to 18. Yeah, we'll need to move  
25 the condition, and then move to amend it from 250 back to

1 200.

2 MEMBER LITTLE: Mr. Chairman, I move  
3 Condition 18.

4 MEMBER FRENCH: Second.

5 MEMBER KRYDER: All in favor?

6 CHMN STAFFORD: Well, we need to make the  
7 change, so -- because I had changed it to 250 to conform  
8 with the prior. It turns out that's incorrect, so can I  
9 get a movement to amend it from the right screen from 250  
10 to 200?

11 MEMBER FRENCH: So moved.

12 MEMBER KRYDER: Second.

13 CHMN STAFFORD: All right. All in favor  
14 from changing the 250 back to 200?

15 MR. ACKEN: Mr. Chairman, I'm sorry, can I  
16 interrupt real quick?

17 CHMN STAFFORD: We have a vote, we've got  
18 to finish it, and then you can talk.

19 MR. ACKEN: Okay.

20 CHMN STAFFORD: So all in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, the amendment  
25 from 250 to 200 is accepted.

1 Mr. Acken?

2 MR. ACKEN: Yeah, thank you for the  
3 amendment, that was just a typo on my part. I wanted to  
4 speak to the inclusion of 18. In many of my cases, I do  
5 not recommend the inclusion of Condition 18. It's always  
6 been my understanding that this is an issue for areas  
7 that have a lot of projects going into the same area,  
8 primarily like Delaney out in the West Valley. And so I  
9 have not included it in many of mine, and it's been  
10 approved without it by the Committee and the Commission  
11 in a number of my projects.

12 But, like, so for example, in 223 you'll  
13 see that I recommend removing it. The reason we  
14 recommend keeping it here is for the testimony that you  
15 saw here that you do have multiple projects that are  
16 interconnecting in the same location, so we think it  
17 makes sense.

18 With that said, you know, when I created  
19 CEC-A and B, you know, basically cut and paste, this  
20 condition, when we get to CEC-225-B may not be  
21 appropriate for the facilities that are operated by APS,  
22 certainly wouldn't be appropriate as it relates to the  
23 right-of-way for the transmission line, because their  
24 facilities won't include a transmission line.

25 So I just wanted to tee that up, you know,



1 at the appropriate time in the discussion of that CEC,  
2 and also give you my thoughts for why it's appropriate  
3 sometimes, but not others, and certainly appropriate  
4 here.

5 CHMN STAFFORD: Well, thank you, Mr. Acken.  
6 I planned on raising that in the next -- in the CEC-B  
7 because, again, it doesn't have a corridor, it's for the  
8 switchyard.

9 MR. ACKEN: That's correct.

10 CHMN STAFFORD: All right. So we have  
11 amended Condition 18. Can I get a --

12 MEMBER KRYDER: Mr. Chairman, I move the  
13 acceptance of the amended Condition 18.

14 MEMBER DRAGO: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

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

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 18  
22 is adopted.

23 Moving on to 19.

24 MEMBER LITTLE: Mr. Chairman, I move  
25 Condition 19.

1 MEMBER KRYDER: I would second that.  
2 CHMN STAFFORD: Further discussion?  
3 (No response.)  
4 CHMN STAFFORD: All in favor say "aye."  
5 (A chorus of "ayes.")  
6 CHMN STAFFORD: Opposed?  
7 (No response.)  
8 CHMN STAFFORD: Hearing none, Condition 19  
9 is adopted.  
10 Moving on to 20.  
11 MEMBER KRYDER: That's an easy one.  
12 Mr. Chairman, I move approval of Condition 20 --  
13 MEMBER DRAGO: Second.  
14 MEMBER KRYDER: -- as shown.  
15 CHMN STAFFORD: Further discussion?  
16 (No response.)  
17 CHMN STAFFORD: All in favor say "aye."  
18 (A chorus of "ayes.")  
19 CHMN STAFFORD: Opposed?  
20 (No response.)  
21 CHMN STAFFORD: Hearing none, Condition 20  
22 is adopted.  
23 Condition 21.  
24 MEMBER LITTLE: Mr. Chairman, I move  
25 Condition 21.

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: Further discussion?

3 (No response.)

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

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 21

9 is adopted.

10 Moving on to 22.

11 MEMBER MERCER: Mr. Chairman, I move

12 Condition Number 22.

13 MEMBER KRYDER: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 22

21 is adopted.

22 Moving on to Condition 23.

23 MEMBER KRYDER: Mr. Chairman, I move

24 approval of Condition 23.

25 MEMBER FRENCH: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

3 CHMN STAFFORD: I'm noticing a squiggly  
4 blue line under "maintenance," is that trying to get us  
5 to keep the Oxford comma?

6 MR. HAZLE: Yes, that's exactly what that  
7 is.

8 CHMN STAFFORD: I'm a firm believer in the  
9 Oxford comma, so I would entertain a motion to add it.

10 MEMBER LITTLE: Mr. Chairman, I so move. I  
11 agree.

12 MEMBER FRENCH: Second.

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, let's move  
18 23, as amended, with the Oxford comma.

19 MEMBER FRENCH: Mr. Chairman, I move  
20 Condition 23 as amended.

21 MEMBER LITTLE: Second.

22 CHMN STAFFORD: Further discussion?

23 (No response.)

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

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, Condition 23,  
4 as amended, with the Oxford comma is adopted.

5 All right. Moving on to the Findings of  
6 Fact and Conclusions of Law.

7 MEMBER KRYDER: We do these one at a time?

8 CHMN STAFFORD: Yes.

9 MEMBER KRYDER: Mr. Chairman, I move  
10 approval of Findings of Fact and Condition [sic] of Law  
11 Number 1 as shown.

12 MEMBER FRENCH: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

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

21 Moving on to Number 2. Now, you can see  
22 that I've added some language to the condition. We've  
23 talked a lot about the reliability of the grid and  
24 the -- and how to evaluate that without a System Impact  
25 Study, I think the ultimate decision on the

1 interconnection is a federal issue, and they require to  
2 comply with that as a result of Condition Number 7,  
3 8 -- no, it's -- no.

4 MR. ACKEN: 15.

5 CHMN STAFFORD: 15. And so if it's  
6 constructed in compliance with that, then it should aid  
7 the state in presuming a safe and reliable electric  
8 transmission system.

9 MEMBER MERCER: Mr. Chairman, I move to  
10 approve the changes to Findings of Fact and Conclusion of  
11 Law number 2.

12 MEMBER KRYDER: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

15 MEMBER LITTLE: Mr. Chairman, I would just  
16 like to state for the record that without that change,  
17 and if we had not had the testimony about the System  
18 Impact Studies, I could not have voted in favor of this  
19 Finding of Fact.

20 CHMN STAFFORD: But you are satisfied with  
21 this addition to the Finding of Fact and Conclusion of  
22 Law Number 2?

23 MEMBER LITTLE: I am.

24 CHMN STAFFORD: Okay. Further discussion?

25 (No response.)

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

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

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

7 Moving on to 3.

8 MEMBER LITTLE: Mr. Chairman, I move  
9 Finding of Fact Number 3 -- approval of Finding of Fact  
10 Number 3.

11 MEMBER FRENCH: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

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

20 Moving on to 4.

21 MEMBER FRENCH: Move Finding 4.

22 MEMBER MERCER: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

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

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

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

6 Moving on to 5.

7 MEMBER FRENCH: Move Finding 5.

8 MEMBER LITTLE: Second.

9 CHMN STAFFORD: Further discussion?

10 (No response.)

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

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

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

17 Moving on to Number 6, and I was unable to  
18 remove the 6 underlined, for some reason, on the Word  
19 document.

20 MR. HAZLE: That will resolve when we -- if  
21 7 is accepted or removed.

22 CHMN STAFFORD: Oh, okay. Yeah, so 7 is a  
23 new one, so we'll discuss that separately after this, but  
24 we'll -- let's deal with 6 first. I just -- I had a  
25 formatting issue that I couldn't get past on it.



1 MEMBER KRYDER: Mr. Chairman, I move  
2 acceptance of Finding of Fact and Condition of Law Number  
3 6 be approved.

4 MEMBER FRENCH: Second.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

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

13 Moving on to Number 7. Now, this is a new  
14 one that has been proposed by Mr. Acken. Would you care  
15 to describe the impetus for your addition of this Finding  
16 of Fact and Conclusion of Law?

17 MR. ACKEN: Yes, I would. Thank you for  
18 the opportunity. So, you know, over the past two  
19 decades, well, I know there has been inconsistency in  
20 approach taken by applicants as to whether substations  
21 must be approved or must be sited. And so you would see  
22 some applicants site substations, others would not. And  
23 so we just -- and those of us in the bar were not on the  
24 same page. We couldn't reach agreement. We have recent  
25 guidance and direction from the Commission in Decision

1 77761, Findings of Fact 13 and 14. There's a statement  
2 in there that substations are not jurisdictional.

3 Also, there's a recent letter, a May 5,  
4 letter from Commissioner Myers, you know, stating that  
5 position and asking that be further clarified, and  
6 whether it's in the guidance docket that they have for  
7 line siting or by rule, but in any event there seems to  
8 be the consensus view now where there was not previously  
9 that substations do not need to be sited.

10 So consistent with that, this is proposed  
11 to be consistent with the recent direction of the  
12 Commission, where -- and also to avoid inconsistencies  
13 between projects. And this language will help an  
14 applicant for financing. I can -- I can ask my witness  
15 to actually testify to that, because it provides  
16 certainty, okay, well, why are you not siting the  
17 substation because it's not a switchyard, and therefore,  
18 it's not subject to jurisdiction.

19 So really the intent here is let's just be  
20 clear, let's get all the applicants on the same page,  
21 consistent with Commission direction, and moving forward  
22 it will be helpful to all applicants if we have a  
23 consistent understanding of the -- of the lay of the  
24 land, so that's the proposal.

25 MEMBER KRYDER: Mr. Chairman?

1 CHMN STAFFORD: Yes, Member Kryder.

2 MEMBER KRYDER: I have a question for  
3 Mr. Acken.

4 What you've written -- what you've written  
5 here puts the word "new" in front of switchyards, are  
6 switchyards by definition new as compared with  
7 substations.

8 MR. ACKEN: Member Kryder, that's a great  
9 question. That's just a quote from the definition of a  
10 transmission line, which is also new equipment. So what  
11 is the Committee's jurisdiction? It's new transmission  
12 lines and new switchyards associated therewith.

13 Remember we had the discussion yesterday  
14 about when do you site switchyards, it's only when you  
15 have an associated transmission line, that "new" is just  
16 meaning preexisting switchyards are not subject to  
17 Committee's review, only new planned ones. So there's  
18 not a distinction between new switchyards versus new  
19 substations, it's just the fact that you won't find the  
20 word "substation" defined in the definition of a  
21 transmission line where you will find the definition of a  
22 switchyard. That's the idea.

23 MEMBER KRYDER: Thank you very much.

24 MEMBER LITTLE: Mr. Chairman?

25 CHMN STAFFORD: Yes, Member Little.

1 MEMBER LITTLE: I'd like to thank Mr. Acken  
2 for explaining why this was added. When I first looked  
3 at it I thought I don't have any objection, but I don't  
4 see that we need it, but I understand that it might be  
5 useful in -- for financing, so thank you.

6 CHMN STAFFORD: Yeah, but most of the text  
7 of the CEC, does it -- where else does the word  
8 "substation" appear?

9 MR. ACKEN: In the CEC statutes, I don't  
10 believe it does.

11 CHMN STAFFORD: No, I'm talking about in  
12 the actual CEC, because in this -- these two CECs that  
13 are going on for this case will be for the line and the  
14 switchyard, I don't -- oh, there you go.

15 MR. ACKEN: Mr. Hazle's pulling it up. And  
16 yeah, and consistent with that, we refer to it as a  
17 non-jurisdictional project substation. So in this case  
18 we presented testimony on the project step-up  
19 substation -- easy for me to say. And so all we're  
20 seeking is clarity. If it's this Committee's  
21 determination that no, we disagree with the Commission,  
22 we think substations should be sited, then we're going to  
23 ask you to give explicit authorization for it.

24 If you want to go along with the  
25 Commission's recent direction and say no, then that's how

1 this is set up. We're just -- I'm agnostic, quite  
2 honestly, I just want consistency and clarity. And  
3 that's the goal of Number 7.

4 CHMN STAFFORD: All right. I don't -- to  
5 me, I'm not really feeling that 7 is necessary. I mean,  
6 the statute says what the statute says, and the  
7 Commission has a pending policy statement clarifying  
8 that. This CEC doesn't purport to approve a substation,  
9 it's approving a line in a switchyard which are, in fact,  
10 jurisdictional, so --

11 MR. ACKEN: If I could address that, my  
12 concern is in Condition 221 this Committee approved a  
13 substation. And so I'm not asking you to approve a  
14 substation. So if I get to financing and the financier  
15 looks at CEC-221 and says the substation was approved,  
16 why didn't you get yours approved? It would sure be a  
17 lot more helpful for me to say the reason I didn't get  
18 approved isn't because I didn't ask, it's because the  
19 Committee made a determination that it's not required.

20 If you remove that, I'm going to ask you to  
21 explicitly approve this project substation. I have to  
22 have one or the other.

23 CHMN STAFFORD: So you have to either -- it  
24 has to either approve the project substation or have the  
25 Finding of Fact and Conclusion of Law Number 7?

1 MR. ACKEN: That's what -- that's my  
2 position is what we need for comfort for financing, yes.  
3 If this Committee's not comfortable with that language,  
4 then that tells me that you don't necessarily agree, and  
5 if you don't agree, then we need to site our project  
6 substations.

7 MEMBER MERCER: I have a question.

8 CHMN STAFFORD: Yes, Member Mercer.

9 MEMBER MERCER: Mr. Acken, you said -- you  
10 mentioned Commissioner Mayers [sic]?

11 MR. ACKEN: Myers.

12 MEMBER MERCER: Myers. He -- you spoke to  
13 him about this issue?

14 MR. ACKEN: He wrote a letter to the  
15 docket.

16 MEMBER MERCER: Okay.

17 MR. ACKEN: And I can -- I can quote for  
18 you both the Commission decision and his letter, if it  
19 would be helpful.

20 MEMBER MERCER: Yes, please.

21 MR. ACKEN: Okay. Just give me one second  
22 here.

23 So the first thing I'm going to go to is  
24 Decision 77761.

25 CHMN STAFFORD: Is there any way you can

1 throw that up on the screen?

2 MR. ACKEN: If you give me control. Can  
3 you give me control or --

4 MR. HAZLE: Yeah, that's easier. Just plug  
5 yourself in right here, my Internet's garbage.

6 MR. ACKEN: Should I have control now?  
7 There we go. Oops.

8 So this is an APS line extension, I believe  
9 this was an amendment proceeding, and Ms. Benally may be  
10 more familiar with it, it's 7761. And then so this is a  
11 decision approving a Staff recommendation to approve an  
12 amendment to an APS Line Siting. And then if you go to  
13 Condition 13 and 14, 13 reads, "Arizona Revised Statutes  
14 'ARS' Sections 40-360 through 40-360.13, do not require a  
15 CEC to construct a new substation."

16 And then it goes on dot, dot, dot, dot,  
17 dot. And then Staff recommends -- and 14 removes  
18 approval of the requested amendment to CEC 122 even  
19 though it does not believe that construction of the  
20 proposed substation technically requires a CEC.

21 So, I believe, again, I'm not super  
22 familiar with that APS proceeding, that they had a  
23 situation where they had an old CEC that did approve a  
24 substation and now they're like do we even need to go  
25 through that exercise? Staff is saying no, you didn't

1 even need to approve it in the first place, but we get  
2 why you're seeking amendment.

3 So, frankly, it's better if there's clarity  
4 and we don't approve substations, because then we don't  
5 need amendments but that's why, the only -- this decision  
6 is the only place where it says that explicitly. Then --

7 CHMN STAFFORD: If you could go back to the  
8 line -- to the E-Docket screen there.

9 MR. ACKEN: Okay.

10 CHMN STAFFORD: Okay. Close out -- just  
11 minimize this document.

12 MR. ACKEN: You want to go to E-Docket?

13 CHMN STAFFORD: Yeah, okay. Now go back to  
14 docket search.

15 MR. ACKEN: Docket search?

16 CHMN STAFFORD: Docket search. Type in "L"  
17 under the docket number, just the L, hit enter. Whoa,  
18 whoa, you're going way fast.

19 MR. ACKEN: That went super fast.

20 CHMN STAFFORD: Okay. Go to the -- go to  
21 the Substantive Policy Statement Docket. Okay. That's  
22 the rulemaking, you've got to go back down. Keep going.  
23 There -- wait -- no, keep going. Stop. There. Click on  
24 that. Go to documents. All right. Click on the filing  
25 of September 1st, please.



1 All right. This is currently pending  
2 before the Commission. It appears that it's scheduled to  
3 go on the September 21st open meeting. Scroll down.  
4 Keep scrolling down. Keep scrolling down to Attachment  
5 A. Policy Statement 1.

6 Once the Commission adopts this, it will be  
7 abundantly clear that substations are not required  
8 for -- a CEC is not required for substations.

9 MR. ACKEN: And when is that --

10 CHMN STAFFORD: It's currently -- it says  
11 at the top of it, you guys exited too soon, I believe it  
12 says "For consideration at the September 21st open  
13 meeting."

14 MR. ACKEN: Oh, really?

15 CHMN STAFFORD: There you go, whoa, open  
16 meeting September 21st.

17 MR. ACKEN: Oh, there it is.

18 CHMN STAFFORD: I think this will address  
19 the problem and I think frankly this is a better way to  
20 do it. All line siting cases filed after this policy  
21 statement is adopted should not request substations.

22 MR. ACKEN: But we're filed beforehand.

23 CHMN STAFFORD: They still require a  
24 substation, because that's not what the law requires, I  
25 think it's -- if a substation's approved, that it's -- as

1 you notice in the prior decision, you know, they said  
2 well, we're approving it because it was approved in the  
3 CEC, but none of that's necessary and --

4 MEMBER LITTLE: Mr. Chairman?

5 CHMN STAFFORD: Hold on one second.

6 Now, I feel better adding this condition  
7 after this was actually approved by the Commission,  
8 because then it would be clear. We're kind of getting --  
9 we're a little bit getting in front of the Commission on  
10 this, adding this condition.

11 MR. ACKEN: Well, that's -- that's where  
12 Decision 777- -- sorry -- 61 comes into play. You  
13 have -- you already have a Finding of Fact from the  
14 Commission to this effect in 77761. And all we're asking  
15 for is consistency with that decision.

16 CHMN STAFFORD: Member Little, you had a  
17 question?

18 MEMBER LITTLE: It might have been  
19 answered. I'm just wondering what -- what putting --  
20 what harm putting this condition in this CEC does? If we  
21 don't put it in and the Commission does not approve that  
22 recommended order, then would this applicant be required  
23 to come back and request a CEC for their substation and  
24 all of the other --

25 CHMN STAFFORD: Yeah, I think -- I

1 think -- well, no, because the statute explicitly  
2 excludes substations.

3 MEMBER LITTLE: So I guess I'm thinking  
4 that there's no harm in putting it in for now because the  
5 statute excludes substations. And then in the future we  
6 don't need to include it because there is an order that  
7 says what this condition says, that would be my stand on  
8 it -- my opinion.

9 CHMN STAFFORD: Thank you, Member Little.  
10 That's -- I think that's actually very helpful. Well,  
11 with that said, I guess it's time for a motion.

12 MEMBER LITTLE: I move Finding of Fact  
13 Number -- what is it -- 7?

14 MEMBER MERCER: 7.

15 MEMBER KRYDER: Yes.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

19 CHMN STAFFORD: All right. Well, it seems  
20 that if the Commission doesn't like it, they can always  
21 take it out, but with that, all in favor say "aye."

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Finding of

1 Fact and Conclusion of Law Number 7 is adopted.

2 Moving on to Exhibit A, we'll need to  
3 change CEC-1 and CEC-2 to 225-A and 225-B.

4 MR. ACKEN: We won't be able to change the  
5 exhibit today, but typically you are given the authority  
6 to make conforming changes, and so that we can get that  
7 conforming change to you.

8 CHMN STAFFORD: I will once we vote on that  
9 at the conclusion here.

10 MEMBER LITTLE: Mr. Chairman, I  
11 approve -- or I move that we approve Exhibit A with the  
12 change from CEC-1 to 225-A and CEC-2 to 225-B.

13 MEMBER KRYDER: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Exhibit A is  
21 adopted.

22 I think now we're ready for a motion to  
23 consider the entire CEC-225-A.

24 MEMBER RICHINS: So moved.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: All right. Now we're ready  
2 to vote on the final CEC-225-A.

3 Member Little?

4 MEMBER LITTLE: Mr. Chairman, may I make a  
5 short statement?

6 CHMN STAFFORD: Certainly.

7 MEMBER LITTLE: As a representative of the  
8 public, I would like to request that applicants in the  
9 future extend the coverage of Facebook and other social  
10 media outreach to nearby communities when a project is  
11 very rural. And also that mention that I think it would  
12 be helpful in reaching the public if local newspaper  
13 notices were more prominent than perhaps is absolutely  
14 required.

15 Also, I would really like to thank the  
16 applicant for providing us with the System Impact Study  
17 information, it makes the statements that we make in the  
18 Findings of Fact in this CEC very easy to approve. And,  
19 mostly, I would like to thank the applicant and the  
20 members of the panels for a great presentation,  
21 very -- very well done.

22 And with that, I vote aye.

23 CHMN STAFFORD: Member Drago?

24 MEMBER DRAGO: I vote aye.

25 CHMN STAFFORD: Member French?

1 MEMBER FRENCH: I vote aye.

2 CHMN STAFFORD: Member Kryder?

3 MEMBER KRYDER: Approve.

4 CHMN STAFFORD: Member Mercer?

5 MEMBER MERCER: Aye.

6 CHMN STAFFORD: Member Gold?

7 MEMBER GOLD: Aye.

8 CHMN STAFFORD: Member Somers?

9 MEMBER SOMERS: Aye.

10 CHMN STAFFORD: Member Richins?

11 MEMBER RICHINS: Aye.

12 CHMN STAFFORD: And I vote aye.

13 By a vote of nine yeas and zero nays,

14 CEC-225-A is approved.

15 All right. Well, let's take a brief recess  
16 and queue up the documents for CEC-225-B. We'll take a  
17 10- to 15-minute recess.

18 We are now in recess.

19 (Recessed from 11:37 a.m. until 11:53 a.m.)

20 CHMN STAFFORD: All right. Let's go back  
21 on the record. We've got CEC-225-2 and B up on the  
22 screen.

23 Can I get a motion?

24 MEMBER KRYDER: Mr. Chairman, I move  
25 approval of the introduction with the modifications as

1 shown on the right-hand screen.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, the  
10 addition -- the introduction shown on the screen on the  
11 right is approved. I want you to just scroll down to the  
12 second page, we'll need to -- I believe Member Richins  
13 had to leave us and will not be available to vote on this  
14 one.

15 MEMBER KRYDER: And Member Fontes too.

16 CHMN STAFFORD: I've already stricken  
17 Fontes, but well, additionally strike Richins from there.

18 MR. ACKEN: Oh, Richins?

19 MR. HAZLE: Delete Richins?

20 CHMN STAFFORD: Yes.

21 MR. ACKEN: Mr. Chairman?

22 CHMN STAFFORD: Hang on a second. I  
23 guess -- I guess not, because he was here -- clarifying  
24 that, because he was here for one or more hearing days.

25 MEMBER KRYDER: He was here yesterday, yes.

1 CHMN STAFFORD: Right. So we need to leave  
2 him on there, but we need to -- he won't be voting on  
3 this.

4 MR. ACKEN: Mr. Chairman, that's pretty  
5 standard practice, you know, where we -- any time that  
6 someone -- a member is available even for a portion if  
7 they don't vote, we just leave them there, and then the  
8 vote won't match the total people. But if they -- unless  
9 they're an abstention, they just won't be accounted for.  
10 If they actually abstain, we note that as well.

11 CHMN STAFFORD: All right. Very good.  
12 Then I guess we will leave that -- leave him on there, so  
13 do we need to make any additional changes to the  
14 introduction other than to fill in the vote count at the  
15 end.

16 I'm going to move the rest of the  
17 introduction, I think we only looked at the first part on  
18 the prior vote.

19 MEMBER FRENCH: Mr. Chairman, I'll move the  
20 introduction in its entirety, noting that we will add the  
21 vote count later.

22 MEMBER DRAGO: Second.

23 CHMN STAFFORD: Further discussion?

24 (No response.)

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



1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, the  
5 introduction is adopted as amended.

6 Moving on to project description. And this  
7 was identical to the prior CEC, correct, Mr. Acken?

8 MR. ACKEN: It is. The difference is in  
9 the paragraph that starts on line 11 of page 3, it's the  
10 mirror image of the prior description.

11 CHMN STAFFORD: Oh, yes, we'll need to  
12 amend it to -- to change the corridor back to 200 feet  
13 from 250.

14 MEMBER LITTLE: Mr. Chairman, I move the  
15 project description, as amended.

16 MEMBER FRENCH: Second.

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

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, the project  
22 description, as it appears on the right-hand screen, is  
23 adopted.

24 Moving on to Conditions.

25 MEMBER LITTLE: Mr. Chairman, I move

1 Condition Number 1.

2 MEMBER FRENCH: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

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

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 1  
10 is adopted.

11 Moving on to Condition 2.

12 MEMBER MERCER: Mr. Chairman, I move

13 Condition Number 2.

14 MEMBER GOLD: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

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

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 2  
22 is adopted.

23 Moving on to Number 3.

24 MEMBER FRENCH: Move Condition 3.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

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

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 3

8 is adopted.

9 Moving on to Number 4.

10 MEMBER LITTLE: Mr. Chairman, I move

11 Condition 4.

12 MEMBER FRENCH: Second.

13 CHMN STAFFORD: Further discussion?

14 (No response.)

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

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 4

20 is adopted.

21 Moving on to Number 5.

22 MEMBER LITTLE: Mr. Chairman, I move

23 Condition 5.

24 MEMBER FRENCH: Second.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 5

7 is adopted.

8 Moving on to 6.

9 MEMBER MERCER: Mr. Chairman, I move  
10 Condition Number 6.

11 MEMBER LITTLE: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, Condition 6

19 is adopted.

20 Moving on to 7. So this one we're going to  
21 make -- we're looking at the right screen, so we'll need  
22 to adopt the change from "project" to "final  
23 right-of-way."

24 MEMBER KRYDER: Mr. Chairman, I move  
25 approval of Condition Number 7, as modified and shown on

1 the screen on the right.

2 MEMBER FRENCH: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

5 MEMBER LITTLE: Mr. Chairman?

6 CHMN STAFFORD: Yes, Member Little.

7 MEMBER LITTLE: You know, here we're  
8 talking about, I'm not exactly sure what the final  
9 right-of-way for the -- for the switchyard means. Is it  
10 just the area enclosed within the fence, the final  
11 right-of-way?

12 CHMN STAFFORD: Yes, Mr. Acken, can you  
13 address that?

14 MR. ACKEN: Yes, I mean, the right-of-way  
15 will be the facilities in the fence line by APS, but  
16 remember, we have a larger corridor in which to place it  
17 because we don't know exactly where that's going to be.  
18 And Ms. Benally, she may have further thoughts again,  
19 because I want to make sure I'm --

20 CHMN STAFFORD: Because I'm looking at  
21 Exhibit A, so you have -- you have a larger area, which  
22 is like the top corner of that township, whereas the  
23 switchyard will not encompass that entire area, but it  
24 could be placed anywhere inside that dashed line on  
25 Exhibit A. But this is the case where there's that

1 historical site that will be avoided by the placement of  
2 the substa- -- switchyard, correct?

3 MR. ACKEN: That's correct. And it's not  
4 uncommon for us to -- because we don't know exactly where  
5 the final switchyards are going to be to do the same  
6 thing with a switchyard, which we do with a corridor --  
7 or excuse me with a transmission line, which is to  
8 provide a bigger corridor in which to place the  
9 switchyard. But your question is what's the specific  
10 footprint of the switchyard, and we don't know that  
11 today, that's --

12 MEMBER LITTLE: Yeah, but my question is  
13 right -- "final right-of-way," as called out here, just  
14 means --

15 CHMN STAFFORD: Perhaps it should say  
16 "switchyard."

17 MEMBER LITTLE: I would be in favor of "the  
18 project area for the switchyard." Since this one just  
19 refers to the switchyard, because that whole, you know,  
20 that whole area is kind of up for, might be over here, it  
21 might be over there, might be up there.

22 MR. ACKEN: The -- and Mr. Hazle is telling  
23 me that that entire corridor area has been surveyed. So  
24 you could say "the corridor," because, again, this is the  
25 completed Class III cultural inventory of portions of the

1 corridor.

2 MEMBER LITTLE: Right.

3 MR. ACKEN: So it's all been done. This  
4 condition has been met.

5 MEMBER LITTLE: Okay. All right. I wasn't  
6 sure. I knew it had been on the transmission line  
7 section of it, but --

8 MR. ACKEN: Yeah.

9 MEMBER LITTLE: -- I couldn't remember when  
10 I read it whether that was --

11 Okay. Maybe it should just say "corridor."  
12 It isn't going to matter anyway, but --

13 MEMBER GOLD: Why does it say "will  
14 complete" and not "completed"?

15 MEMBER LITTLE: -- that would be my  
16 preference.

17 MEMBER GOLD: Why does it say "will  
18 complete" and not "completed"?

19 CHMN STAFFORD: In the mic, Member Gold,  
20 please.

21 MEMBER GOLD: Oh, just a question, why does  
22 it say "will complete" and not "completed," the applicant  
23 completed it?

24 MR. ACKEN: Mr. Chairman, Member Gold,  
25 great question. Because we use standard conditions from

1 prior cases, I try to take a light touch on modification,  
2 because it's the case for this one that it's completed,  
3 it might not be the case for the next one, and so rather  
4 than try and wordsmith too much, you know, we're gon- --  
5 this is an easy one for the applicant to comply with;  
6 we've already complied, right?

7 MEMBER GOLD: Exactly.

8 MR. ACKEN: So arguably do we need it at  
9 all, so -- but for consistency so that from case to case  
10 to case, I think it helps me, as an applicant attorney, I  
11 think it helps the Committee to have that consistency to  
12 say, okay, here's how we've done it time and time again.  
13 This one's a little unique because it's already done.

14 CHMN STAFFORD: Right. And so when they  
15 file their first compliance filing it will note that that  
16 Condition 7 has already been fulfilled.

17 MR. ACKEN: That's correct. That's why,  
18 you know --

19 MEMBER LITTLE: Mr. Chairman?

20 MEMBER GOLD: Just a question.

21 CHMN STAFFORD: Member Little.

22 MEMBER LITTLE: I just feel that for  
23 the -- for the switchyard, I would prefer that it say  
24 "corridor."

25 MS. BENALLY: Mr. Chairman?



1 CHMN STAFFORD: Yes.

2 MS. BENALLY: Member Little, what I propose  
3 is perhaps putting the word "switchyard corridor" in  
4 front of that, in front of the word "corridor." If we  
5 have it open like that, I think that it could applied to  
6 the corridor that is intended for the gen-tie line.

7 MEMBER LITTLE: Good point. Thank you.

8 CHMN STAFFORD: But that's -- but that has  
9 already been surveyed, though, my understanding.

10 MR. ACKEN: The right-of-way.

11 CHMN STAFFORD: Okay. So it's the entire  
12 corridor for this section?

13 MR. ACKEN: Correct.

14 CHMN STAFFORD: The other section, it's the  
15 right-of-way?

16 MR. ACKEN: Correct.

17 CHMN STAFFORD: Okay. So if we were to  
18 substitute "switchyard corridor" instead of "project  
19 area" or "final right-of-way" that would be -- that would  
20 address the -- that would succinctly describe the area  
21 that we were talking about with this condition?

22 MS. BENALLY: I believe so. And when I am  
23 thinking of the switchyard corridor, I'm looking at  
24 Exhibit A and the area that's marked as CEC-2.

25 CHMN STAFFORD: Yes, that's my

1 understanding as well.

2 MS. BENALLY: Okay.

3 MEMBER LITTLE: Yes.

4 CHMN STAFFORD: All right. Well, let's --  
5 can I get a motion to make that change?

6 MEMBER LITTLE: Mr. Chairman, I move that  
7 the words "final right-of-way" be replaced with  
8 "switchyard corridor."

9 MEMBER MERCER: Second.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

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

13 (A chorus of "ayes.")

14 CHMN STAFFORD: All right. So now we have  
15 amended Condition 7.

16 MEMBER LITTLE: Mr. Chairman, I move  
17 amended Condition 7.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

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

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 7

1 as amended is adopted.

2 All right. You can accept those changes on  
3 that one, then, so it's "switchyard corridor."

4 Now we're all looking at that, that's the  
5 correct understanding, we've got it?

6 MS. BENALLY: Mr. Chairman, may I offer one  
7 other edit, the term "switchyard" is a defined term  
8 earlier on page 2, line 23, so perhaps we add -- use that  
9 same term, "APS" and then a capital S, "Switchyard."

10 CHMN STAFFORD: Or we can even refer to it  
11 on -- from the exhibit?

12 MS. BENALLY: Yes, that will also suffice.

13 CHMN STAFFORD: Switchyard corridor, as  
14 denoted on Exhibit A?

15 MS. BENALLY: Either one of those options  
16 will work.

17 CHMN STAFFORD: Put "APS Switchyard  
18 corridor as designated in Exhibit A."

19 MR. HAZLE: I apologize.

20 CHMN STAFFORD: Members?

21 MEMBER KRYDER: We've got an extra S up  
22 there in front of the capital S.

23 CHMN STAFFORD: It's stricken, you can  
24 barely see, but it's struck through.

25 MEMBER KRYDER: Oh, okay.

1 CHMN STAFFORD: And it says "ASP" instead  
2 of "APS."

3 MEMBER LITTLE: I think that's fine.

4 CHMN STAFFORD: Ms. Benally, does  
5 that -- is that enough specificity for you?

6 MS. BENALLY: Yes, it is. Thank you,  
7 Chairman.

8 CHMN STAFFORD: All right. Thank you. All  
9 right. Now, can I get a motion to adopt this change?

10 MEMBER MERCER: So moved.

11 MEMBER LITTLE: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: All right. I guess we  
17 should move 7, as amended, again.

18 MEMBER FRENCH: So moved.

19 MEMBER DRAGO: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 7  
2 as amended and amended again is adopted.

3 Moving on to Number 8.

4 MEMBER MERCER: Mr. Chairman, I move  
5 Condition Number 8.

6 MEMBER KRYDER: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say "aye."  
10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 8  
14 is adopted.

15 Moving on to Number 9.

16 MEMBER LITTLE: Mr. Chairman, I move  
17 Condition 9.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 CHMN STAFFORD: All in favor say "aye."  
22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 9

1 is adopted.

2 Number 10.

3 MEMBER MERCER: Mr. Chairman, I move

4 Condition 10.

5 MEMBER GOLD: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 10

13 is adopted.

14 Moving on to 11.

15 MEMBER FRENCH: Move Condition 11.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

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

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, Condition 11

24 is adopted.

25 Number 12.

1 MEMBER LITTLE: Mr. Chairman, I move  
2 Condition Number 12.

3 MEMBER MERCER: Second.

4 CHMN STAFFORD: Further discussion?

5 (No response.)

6 MEMBER KRYDER: Mr. Chairman, I move the  
7 spacing up there after Coconino County, the one space be  
8 removed.

9 MR. HAZLE: There is only one space, Member  
10 Kryder.

11 MEMBER KRYDER: Oh, it's just the way it  
12 is. Okay. Got it.

13 Mr. Chairman, I withdraw that proposed  
14 amendment.

15 CHMN STAFFORD: The condition has been  
16 moved and seconded. Further discussion?

17 (No response.)

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

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 12  
23 is adopted.

24 Number 13.

25 MEMBER GOLD: Mr. Chairman?

1 CHMN STAFFORD: Yes, Member Gold.

2 MEMBER GOLD: What is "nonspecular," I've  
3 not heard that terminology before.

4 CHMN STAFFORD: Mr. Acken, would you care  
5 to have a -- address that or have one of your witnesses  
6 address that?

7 MR. ACKEN: I'm going to go see if one of  
8 my witnesses can provide some testimony. I can, but  
9 let's see if Mr. Nelson or Ms. Comacho can answer the  
10 question of what "nonspecular" means.

11 MR. NELSON: I am not -- not sure what that  
12 is. I can't speak to that.

13 MR. ACKEN: I can.

14 CHMN STAFFORD: Well, let me put -- my  
15 recollection is that it's not shiny as to draw more  
16 attention to it from afar, to be less noticeable to --  
17 for visual impacts purposes, that's my understanding.

18 Mr. Acken, is that correct.

19 MR. ACKEN: Yes, that's correct. So,  
20 again, these conditions are developed over time,  
21 nonspecular, and maybe our biology witness can confirm,  
22 you know, or visual resource can confirm, the idea of  
23 using nonspecular conductors is to make it less visible,  
24 and so that's a standard commitment.

25 MEMBER GOLD: "Nonspecular" is less



1 visible?

2 MR. ACKEN: Correct.

3 CHMN STAFFORD: Has the condition been  
4 moved?

5 MEMBER LITTLE: Mr. Chairman, I move  
6 Condition 13.

7 MEMBER FRENCH: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

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

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

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

16 Number 14.

17 MEMBER MERCER: Mr. Chairman, I move  
18 Condition 14.

19 MEMBER KRYDER: I would second that.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 14  
2 is adopted.  
3 Number 15.  
4 MEMBER LITTLE: Mr. Chairman, I move  
5 Condition 15.  
6 MEMBER FRENCH: Second.  
7 CHMN STAFFORD: Further discussion?  
8 (No response.)  
9 CHMN STAFFORD: All in favor say "aye."  
10 (A chorus of "ayes.")  
11 CHMN STAFFORD: Opposed?  
12 (No response.)  
13 CHMN STAFFORD: Hearing none, Condition 15  
14 is adopted.  
15 Number 16.  
16 MEMBER LITTLE: Mr. Chairman, I move  
17 Condition 16.  
18 MEMBER FRENCH: Second.  
19 CHMN STAFFORD: Further discussion?  
20 (No response.)  
21 CHMN STAFFORD: All in favor say "aye."  
22 (A chorus of "ayes.")  
23 CHMN STAFFORD: Opposed?  
24 (No response.)  
25 CHMN STAFFORD: Hearing none, Condition 16

1 is adopted.

2 Number 17.

3 MEMBER FRENCH: Move Condition 17.

4 MEMBER DRAGO: Second.

5 CHMN STAFFORD: Further discussion?

6 (No response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Condition 17

12 is adopted.

13 Number 18. All right. This one we'll need

14 to change the 250 back to 200, so let's move the

15 condition and move to amend it back to 200.

16 MEMBER KRYDER: Mr. Chairman, I move

17 approval of Condition 18.

18 MS. BENALLY: Mr. Chairman?

19 CHMN STAFFORD: Member Little.

20 MS. BENALLY: Mr. Chairman?

21 CHMN STAFFORD: Oh, Ms. Benally?

22 MS. BENALLY: I apologize that you keep

23 calling on Member Little. This is the condition that

24 counsel mentioned earlier as not being applicable to this

25 CEC-225-B, so I would recommend that we strike this from

1 this CEC.

2 CHMN STAFFORD: All right. Or we  
3 could -- let's see -- now, we don't have an estimated  
4 footprint of this switchyard, do we? It could be  
5 anywhere inside the -- the area under -- as shown on  
6 Exhibit A, correct?

7 MS. BENALLY: Mr. Chairman, I'd like to see  
8 if I could get Mr. Spitzkoff to address that question.

9 CHMN STAFFORD: Okay. What I thought is  
10 that -- well, because you have designated a corridor that  
11 is larger than the switchyard will be, correct? I'm  
12 looking at the picture, it's pretty clear that the  
13 switchyard isn't going to connect -- isn't going to take  
14 up that whole section.

15 MS. BENALLY: That is correct. It will be  
16 within a certain size footprint, somewhere within that  
17 area.

18 CHMN STAFFORD: Okay.

19 MS. BENALLY: And I do see Mr. Spitzkoff  
20 on, so if you have the question, I'm sure he can answer  
21 the -- your inquiry.

22 MR. ACKEN: And, Mr. Chairman, if I could  
23 just add again, you know, the genesis of this condition  
24 was to avoid bad acts by one entity preventing another  
25 competitor from entering a switchyard. That's not

1 designed to limit APS, they're not going to stop anybody  
2 from entering the switchyard, right? I mean, they have a  
3 federal obligation to interconnect that they're going to  
4 comply with, so I just want to -- you know, again, that's  
5 why this condition is appropriate in some cases, not  
6 others. Had I thought of it ahead of time, I would not  
7 have proposed it for that reason, because it's -- it's  
8 appropriate when you have multiple competitors coming  
9 into an area, but not for the incumbent utility who is  
10 going to hold the CEC.

11 CHMN STAFFORD: Yeah, that makes sense. So  
12 we do have a difference in the designation of the  
13 corridor for this, as opposed to what the final  
14 right-of-way will be, right? I mean, there's -- because  
15 unless APS has purchased -- they haven't purchased that  
16 entire corridor shown in Exhibit A, correct?

17 MS. BENALLY: Mr. Spitzkoff --

18 MR. SPITZKOFF: Yeah.

19 MS. BENALLY: -- did you hear the question?

20 MR. SPITZKOFF: No -- yes, can you hear me?

21 MS. BENALLY: Yes, we can. Thank you.

22 CHMN STAFFORD: Yes.

23 MR. SPITZKOFF: Thank you.

24 Chairman, no, APS has not purchased the  
25 land of what's shown in that entire corridor. The intent

1 is only to purchase what is required for the final  
2 switchyard footprint itself.

3 CHMN STAFFORD: And do you have any idea  
4 what the size of that footprint would be, because we  
5 have -- we have a 200-foot-wide final right-of-way that  
6 we're going to be looking at, that will be established,  
7 which is smaller than the corridor. And here's a  
8 corridor that's bigger than where the final switchyard  
9 will be, but we don't have -- it doesn't make sense, as  
10 Mr. Acken pointed out and Ms. Benally as well, that it's  
11 not a transmission right-of-way.

12 MR. SPITZKOFF: Yes, Mr. Chairman, and  
13 generally I would not associate a corridor with a  
14 switchyard. It would be -- well, I would use the term  
15 "footprint" not a "corridor," because when you think  
16 about it, from a transmission line standpoint, it  
17 physically only takes up, you know, a certain amount of  
18 space, but the right-of-way is wider because of blow-out  
19 on the arms and maintenance needs. The switchyard is in  
20 a different situation than a transmission line.

21 CHMN STAFFORD: So for the switchyard --  
22 for the switchyard, will APS purchase the land from the  
23 ranch, because it's showing as private land on the map.  
24 So would they purchase the land, would they lease the  
25 land? How does -- how does APS address that for the

1 switchyard? I'm assuming they're going to buy it because  
2 that switchyard is going to be there in perpetuity,  
3 correct?

4 MR. SPITZKOFF: Yes, it is APS's  
5 preference, and I think the way we proceed in all  
6 instances where we purchase the land -- we own the land  
7 whenever possible for a substation or switchyard. There  
8 are some exceptions, for statutory reasons, I know on  
9 state -- state land they prefer to provide a lease and  
10 not sell, but in all instances when we seek to own the  
11 land and not lease.

12 MEMBER LITTLE: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Little.

14 MEMBER LITTLE: To me, the designated  
15 corridor that we are approving in this CEC, we're -- is  
16 larger than the footprint of the switchyard, but we are  
17 approving that corridor, saying that the switchyard can  
18 be located anywhere within that corridor.

19 CHMN STAFFORD: Yes.

20 MEMBER LITTLE: And it seems like this  
21 condition could be changed so that it just says the  
22 designation of the corridor, and by that I mean the  
23 approval that we are giving the applicant, as shown in  
24 Exhibit A, does not grant the applicant exclusive rights  
25 within the corridor outside of the final footprint of the

1 switchyard or the final right-of-way of the switchyard,  
2 whichever gives APS what they need.

3 So in other words, we're not -- we're  
4 saying that if the area that we approve as the corridor  
5 you don't have any rights over it if you're not using it.

6 CHMN STAFFORD: Well, they'll have  
7 exclusive rights to however much of that corridor they're  
8 purchasing. But I'm assuming that from APS's perspective  
9 they're not going to buy more land than they need to site  
10 the switchyard, correct?

11 MR. SPITZKOFF: Yes, Chairman, that's  
12 correct.

13 CHMN STAFFORD: All right. So, Ms. Benally  
14 or Mr. Acken, do you guys have any thoughts on the  
15 language proposed by Member Little?

16 MR. ACKEN: I'm going to defer to  
17 Ms. Benally, as this is going to be something that her  
18 client has to live with moving forward. If you do go  
19 that route, I would suggest it being -- you know, I like  
20 the concept if you go that route, just make sure it's  
21 consistent with how we defined the APS Switchyard  
22 corridor in I think it was Condition 7, and then again,  
23 but I would say we don't necessarily have to wordsmith  
24 this one, because I don't think it's applicable. It's  
25 not a concern of me on behalf of RWE that if this



1 condition is not included, my client won't be able to  
2 access the switchyard. I'm not -- I don't have that  
3 concern at all.

4 CHMN STAFFORD: Right.

5 MS. BENALLY: Mr. Chairman, as I stated  
6 earlier, APS's preference would be to not have Condition  
7 18 in the CEC that is planned to be transferred to APS at  
8 some future date.

9 CHMN STAFFORD: Right. And that makes  
10 sense. The only thing is that -- well, you are going to  
11 be bound, because you're not going to site the switchyard  
12 where it interferes with the historically -- historical  
13 and archaeological site, the one that's been documented,  
14 and that's already covered in other conditions?

15 MS. BENALLY: That's correct, Mr. Chairman.

16 CHMN STAFFORD: All right. And so APS will  
17 be purchasing the land for the -- for the switchyard?

18 MS. BENALLY: That's correct, Mr. Chairman.

19 MEMBER LITTLE: Mr. Chairman, I guess my  
20 thoughts on this sort of revolve around what rights the  
21 CEC is granting for a corridor.

22 CHMN STAFFORD: Well, it means that they  
23 can build the switchyard anywhere in that marked section  
24 of that square, but then -- see that square is privately  
25 owned ranch land, correct? That's what the map is

1 telling us by virtue of the color of the square.

2 MEMBER LITTLE: Right.

3 MR. ACKEN: And if I can give my \$0.02  
4 again. I have never included this condition in a CEC  
5 previously, because the corridor never gives exclusive  
6 rights. So I've never felt it was necessary.

7 With that said, you know, now I'm  
8 second-guessing myself, I thought it made sense here  
9 because you're going to have four different entities  
10 coming into the switchyard, let's just make it very clear  
11 that no one has exclusive rights, so they don't argue  
12 about -- about it later. So that was the thinking, but  
13 this is just stating what the law is, in my view.

14 CHMN STAFFORD: Right. I remember when we  
15 adopted that, I remember -- which -- that was one of your  
16 cases, I believe it was out there in Avondale or  
17 Goodyear?

18 MR. ACKEN: That wasn't mine.

19 CHMN STAFFORD: Oh, no, sorry it's -- we  
20 had exceptionally wide corridors for the line, because  
21 they were -- yes, I remember it was Mr. Crockett's case.

22 MR. ACKEN: That's right.

23 CHMN STAFFORD: But it was out there, I  
24 think it was in Avondale or Goodyear that was where the  
25 location of the hearing was. But yes, because you had --

1 we had extremely wide corridors because you had three or  
2 four entities intending to tie into the same substation  
3 or switchyard, I can't recall which one it was at the  
4 time. But it was an existing facility that they were all  
5 trying to find a way into. And that was the impetus for  
6 this condition.

7                   Yeah, like you said, to keep one applicant  
8 from trying to force another applicant from being able to  
9 connect by virtually preempting them getting -- getting a  
10 spot in there.

11                   MR. ACKEN: Which has happened once or  
12 twice, as this Committee knows.

13                   CHMN STAFFORD: Beg your pardon?

14                   MR. ACKEN: That has happened with one  
15 entity trying to foreclose another from entering a  
16 utility switchyard or substation, as this Committee  
17 knows.

18                   CHMN STAFFORD: Oh that was -- "as this  
19 Committee knows," those are the words I didn't  
20 understand.

21                   MEMBER LITTLE: And for that reason, I  
22 would like to see this condition in here modified so that  
23 it only speaks to the switchyard corridor, and gives the  
24 applicant, or APS, as much of that corridor as they need  
25 for the switchyard. And, you know, Mr. Spitzkoff

1 testified that it's not just necessarily to the -- to  
2 the -- to the fence line of the switchyard. If it needs  
3 to be further than that out, you know, calling it a  
4 right-of-way -- switchyard right-of-way, Mr. Spitzkoff,  
5 is that switchyard right-of-way, does that make sense?  
6 The footprint is really just within the fence line,  
7 right?

8 MR. SPITZKOFF: I would consider the  
9 footprint property that APS would purchase or have under  
10 lease, as necessary for the construction and reliable  
11 operation of the switchyard.

12 MEMBER LITTLE: Okay.

13 MR. SPITZKOFF: So it could include -- in  
14 some jurisdictions you have vegetation requirements or  
15 design requirements to fit into the local --

16 MEMBER LITTLE: Right. Right.

17 MR. SPITZKOFF: -- design. And you might  
18 have retention requirements. Sometimes those are outside  
19 of the actual wall or fence of the yard.

20 MEMBER LITTLE: Right.

21 MR. SPITZKOFF: So, I mean -- I think, you  
22 know, the footprint of the switchyard would be, in my  
23 view, and I don't know if there's legal definition around  
24 this or not, but in my view it would encompass everything  
25 required for the construction, operation, and maintenance

1 of that switchyard.

2 MEMBER LITTLE: So we could say, "The  
3 designation of the corridor in this certificate, as shown  
4 in Exhibit A, does not grant the applicant exclusive  
5 rights within the switchyard corridor outside of the  
6 final switchyard footprint"?

7 MS. BENALLY: Member Little, what was the  
8 end of the sentence on line 3, does not -- "does not  
9 grant the applicant exclusive rights" --

10 MEMBER LITTLE: Within the switchyard  
11 corridor outside of the final switchyard footprint.

12 So, basically, the parts of the corridor,  
13 the switchyard corridor that are not actually used by APS  
14 or purchased by APS.

15 MS. BENALLY: Mr. Spitzkoff, would you like  
16 me to reread that so you have the full condition that's  
17 being discussed?

18 MR. SPITZKOFF: No, you don't need to  
19 reread that. Thank you.

20 MS. BENALLY: Is that -- oh, there you go.

21 MR. SPITZKOFF: Yeah, I think we just have  
22 maybe two concerns. One, is I think that's implicit.  
23 And then, two, there have been situations where depending  
24 on the land situation we have been required or asked by  
25 the previous landowner to purchase, like, a full section

1 or full block of land that sometimes is greater than just  
2 what the actual switchyard requires, but they don't want  
3 to have a remnant parcel or something like that.

4 So my -- my -- my concern would be if that  
5 occurs in this situation, which I don't know if it would  
6 or not, just saying if it -- if that situation does  
7 occur, and APS does own land greater than the footprint  
8 of the switchyard itself, does this condition impinge  
9 upon the rights of APS as a landowner?

10 CHMN STAFFORD: I don't think that the  
11 Committee has the jurisdiction to do that. But I think  
12 perhaps if it just said, "The designation of the corridor  
13 in this Certificate 225-B, as shown in Exhibit A does not  
14 grant the applicant exclusive rights," period. Within  
15 that -- "within that corridor," period. Because what's  
16 going to happen is APS is going to buy the land it needs  
17 for the switchyard and then construct it.

18 I mean, it could buy more land than it  
19 needs for the switchyard if it wants, you can argue that  
20 to the Commission if it's justified to put that in a rate  
21 base if they -- or however that comes up, but the thing  
22 is they're going to have to -- they're going to purchase  
23 that land and own it in fee simple, correct, at some  
24 point?

25 MS. BENALLY: That's correct.

1 CHMN STAFFORD: Okay.

2 MEMBER MERCER: Mr. Chairman?

3 CHMN STAFFORD: Yes, Member Mercer?

4 MEMBER MERCER: I have a question,  
5 originally Ms. Benally asked for us to strike --  
6 completely strike Condition 18, because it's not  
7 applicable to this?

8 CHMN STAFFORD: Right. Because typically  
9 for a transmission line you have them -- you give them a  
10 path that's this wide as a corridor, but in the end it's  
11 only going to be, you know, several, couple hundred feet  
12 wide or so, where the actual right-of-way the line would  
13 be placed. And so the issue when this came up before,  
14 was you had -- there were about four different entities  
15 trying to get into one substation. So they were granted  
16 a big corridor, so they could find a way in, but that  
17 didn't give them the right to say anybody else couldn't  
18 occupy any space of that corridor outside -- the only  
19 exclusive rights they would have would be in that narrow  
20 right-of-way where the actual line would be placed to go  
21 in there.

22 But giving them a larger corridor gives  
23 them more flexibility in where to place that line,  
24 depending on the circumstances of the interconnection,  
25 like what other projects are there in the way, things of

1 that. That typically would be because you have multiple  
2 entities trying to get into the same switchyard or  
3 substation.

4 And this one here, we have -- the line's  
5 going to be coming into the new switchyard which APS will  
6 end up owning, and then so once it owns land, it owns  
7 that land, it doesn't have -- the corridor will be moot  
8 once the -- the switchyard is constructed, correct?

9 MS. BENALLY: That's correct.

10 CHMN STAFFORD: Because they'll have the  
11 exclusive right to the property they own.

12 MEMBER LITTLE: Mr. Chairman, the more I  
13 think about what this discussion here, the more I'm  
14 thinking that if we are granting the corridor or we are  
15 approving the corridor for the switchyard only in this  
16 CEC, APS, as was pointed out by Mr. Acken, I think, you  
17 know, APS has the legal obligation to allow  
18 interconnection at that switchyard, and has no reason to  
19 deny anybody any access to the switchyard, unless there  
20 are electrical issues or, you know, operational issues,  
21 anything like that. So perhaps we don't need this.

22 My only question is, we keep talking about  
23 the corridor, and does this CEC grant the corridor for  
24 the switchyard, as well as --

25 CHMN STAFFORD: No, this CEC is exclusively



1 for the corridor for the switchyard.

2 MEMBER LITTLE: Okay. All right.

3 CHMN STAFFORD: The one we just approved,  
4 225-A, is for the transmission line itself. And that one  
5 we had a corridor that varied in width from, you know,  
6 500 feet, maybe more. But that's the corridor, but then  
7 it would be shrunk down to a --

8 MEMBER LITTLE: Right. Okay.

9 CHMN STAFFORD: -- 200-foot right-of-way,  
10 where they'd have exclusive rights once that's completed.  
11 So for this one basically what we're giving them is we're  
12 telling them they can put the substation anywhere they  
13 want --

14 MEMBER LITTLE: Right.

15 CHMN STAFFORD: -- in that square. I don't  
16 recall any testimony about the size of the switchyard at  
17 all, about how many -- I think there was, like, there's  
18 testimony that how it would be constructed and designed,  
19 but I don't think -- I don't recall any specific  
20 testimony on the acreage for the footprint of the  
21 switchyard yet.

22 MR. ACKEN: That's correct. And so your  
23 recollection is correct, and the application doesn't say  
24 that, because it hasn't been designed because we haven't  
25 had the System Impact Study and so on and so forth, and

1 so it's not known.

2 And so the thought was, you know, allowing  
3 for that portion of Section 21, everyone, I think,  
4 everyone -- I don't want to speak for APS, certainly my  
5 client was comfortable that that would provide adequate  
6 space for the APS Switchyard. I believe APS shares that.

7 And, yes, it will be a smaller portion of  
8 that, but it's just -- we're too early to know precisely  
9 what that footprint is going to be, certainly it -- yeah,  
10 I think I'll leave it there.

11 CHMN STAFFORD: Yeah, I'm inclined to think  
12 we should just strike this because it's really focused  
13 on -- for a transmission line needing that flexibility of  
14 where to put it, but you can only -- but where you end up  
15 putting it, it can't be -- it has to be -- it's  
16 restricted, and this one here it's kind of nebulous as to  
17 what the actual size of the switchyard would be.

18 And the limitation on it is going to be the  
19 amount of land that the owner is willing to sell to APS  
20 and at what price and how much of that APS thinks they  
21 need to get to adequately construct the switchyard.

22 MEMBER LITTLE: I have no objection to  
23 striking it.

24 CHMN STAFFORD: Okay. Well, then I guess,  
25 can I get a motion to remove Condition 18?

1 MEMBER MERCER: Mr. Chairman, I move to  
2 strike Condition 18, as requested by Ms. Benally.

3 MEMBER GOLD: Second.

4 CHMN STAFFORD: Further discussion?

5 (No response.)

6 MS. BENALLY: I'm sorry, Mr. Chairman, did  
7 you have a question for me?

8 CHMN STAFFORD: No, I did not.

9 MS. BENALLY: Okay, thank you.

10 CHMN STAFFORD: She just referenced -- she  
11 moved to strike, as suggested by you, that's where your  
12 name came in.

13 MS. BENALLY: Thank you.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

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

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 18  
21 is stricken.

22 So now we'll make conforming changes  
23 renumbering the rest of the CEC, but I'm going to  
24 continue on with the numbers as they exist on the left  
25 screen for -- for the time being, with the caveat they

1 will be renumbered to reflect the elimination of the  
2 typical CEC Condition 18.

3 So now we're going to move on to Condition  
4 19, which will be the new 18.

5 MEMBER LITTLE: Mr. Chairman, I move  
6 Condition 19, which will be the new 18.

7 CHMN STAFFORD: I guess formerly --  
8 Condition formerly known as 19, now 18.

9 MEMBER LITTLE: Correct.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: Further discussion?

12 (No response.)

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

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Condition 18, formerly  
16 known as Condition 19, is adopted.

17 Moving on to what is now known as -- what  
18 will now be known as Condition 19, formerly Condition 20.  
19 Because it's going to be 20 on the left, and then 19 on  
20 the right.

21 MEMBER MERCER: Mr. Chairman, I move former  
22 Condition 20, which is now Condition 19.

23 MEMBER LITTLE: Second.

24 CHMN STAFFORD: Further discussion?

25 (No response.)

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

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, Condition 19,  
6 formerly 20, is adopted.

7 Moving on to Condition 20. 20 on the  
8 right, 21 on the left.

9 MEMBER LITTLE: Mr. Chairman, I move  
10 Condition 20, formerly known as Condition 21.

11 MEMBER FRENCH: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, Condition 20,  
19 formerly 21, is adopted.

20 Moving on to 21/22. 21 on the right, 22 on  
21 the left.

22 MEMBER LITTLE: Mr. Chairman, I move  
23 Condition 21, formerly known as Condition 22.

24 MEMBER DRAGO: Second.

25 CHMN STAFFORD: Further discussion?

1 (No response.)

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

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

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

8 Moving on to Condition 22 on the right, 23  
9 on the left.

10 MR. HAZLE: Oxford comma?

11 CHMN STAFFORD: Yes, please. Which one is  
12 this on, this is 22 we're on?

13 MEMBER MERCER: Formerly --

14 MR. HAZLE: 23 on the left, 22 on the  
15 right.

16 CHMN STAFFORD: Right. Okay. And we're  
17 adding the Oxford comma. I guess I could take care of  
18 that later as a scrivener's error, but since we're all  
19 here now you might as well do it.

20 MEMBER LITTLE: Mr. Chairman, I move  
21 Condition 22, formerly known as 23, with the addition of  
22 the comma following the word "maintenance."

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 (No response.)

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

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, Condition 21,  
6 formerly known -- Condition 22, formerly known as 23, is  
7 adopted.

8 On to the Findings of Fact and Conclusions  
9 of Law.

10 MEMBER FRENCH: Move Finding 1.

11 MEMBER DRAGO: Second.

12 CHMN STAFFORD: Further discussion?

13 (No response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

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

20 Number 2.

21 MEMBER MERCER: I move Finding of Fact and  
22 Conclusion of Law Number 2.

23 CHMN STAFFORD: As it appears on the  
24 right-hand screen, correct?

25 MEMBER MERCER: Yes, with the -- with the

1 corrections or additions --

2 MR. KRYDER: Modifications.

3 MEMBER MERCER: -- modifications.

4 MEMBER KRYDER: As shown on the right-hand  
5 screen?

6 MEMBER MERCER: Yes.

7 MEMBER FRENCH: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

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

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

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

16 Number 3.

17 MEMBER LITTLE: Mr. Chairman, I move  
18 Finding of Fact Number 3.

19 MEMBER FRENCH: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

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

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)



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

3 Number 4.

4 MEMBER FRENCH: Move Finding 4.

5 MEMBER DRAGO: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

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

14 Number 5.

15 MEMBER LITTLE: Mr. Chairman, I move  
16 Finding of Fact Number 5.

17 MEMBER FRENCH: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

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

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

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

1 Number 6.

2 MEMBER KRYDER: Mr. Chairman, I move  
3 approval of Finding of Fact and Condition of Law Number 6  
4 be approved, as shown on the right-hand screen.

5 MEMBER DRAGO: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

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

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

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

14 Now, Number 7 seems to be unnecessary for  
15 this as well, because it's a switchyard, which is clearly  
16 jurisdictional.

17 MR. ACKEN: Mr. Chairman, I know you want  
18 to cut this, but my concern on cutting it here is the  
19 project, as defined, includes the entire project, right?  
20 And you can't -- and I believe you can't slice and dice a  
21 project to avoid jurisdiction via multiple CECs.

22 So even though this CEC only covers the  
23 switchyard, you have to think of it as the project as a  
24 whole. And that would -- the project as a whole includes  
25 the transmission line, which interconnects to the project

1 substation.

2 So my recommendation is to leave it as-is  
3 for that reason. I understand where you're coming from,  
4 but the project that CEC-2 is a part of is a larger  
5 project than what is approved in CEC-2.

6 CHMN STAFFORD: Ms. Benally, did you have a  
7 take on that?

8 MS. BENALLY: Mr. Chairman, I do agree with  
9 counsel, you know, the term "project" or the word  
10 "project" is a defined term earlier in the CEC, and I  
11 think it just helps to have that clarity. So I would  
12 propose leaving the addition of condition Number 7 in  
13 this CEC.

14 MEMBER LITTLE: Mr. Chairman, I move  
15 Condition Number 7.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: Further discussion?

18 (No response.)

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

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, Condition 7  
24 is adopted. Oh, Finding of Fact and Conclusion of Law  
25 Number 7 is adopted, excuse me.

1 All right. And then again for Exhibit A,  
2 the change will need to be made to renumber CEC-1 and 2  
3 to 225-A and 225-B.

4 MEMBER LITTLE: Mr. Chairman, I move  
5 Exhibit A with those changes.

6 MEMBER MERCER: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

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

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

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

15 All right. On to the final CEC.

16 Member Little?

17 MEMBER LITTLE: I vote aye.

18 CHMN STAFFORD: Member Drago?

19 MEMBER DRAGO: I vote aye.

20 CHMN STAFFORD: Member French?

21 MEMBER FRENCH: I vote aye.

22 CHMN STAFFORD: Member Kryder?

23 MEMBER KRYDER: Aye.

24 CHMN STAFFORD: Member Mercer?

25 MEMBER MERCER: I vote aye.

1 CHMN STAFFORD: Member Gold?

2 MEMBER GOLD: Aye.

3 CHMN STAFFORD: Member Somers?

4 MEMBER SOMERS: Aye.

5 CHMN STAFFORD: And Member Richins is not  
6 on the line? No. All right.

7 And I vote aye. By a vote of eight ayes  
8 and zero nays, CEC-225-B is approved.

9 Anything further, Mr. Acken and Ms. -- oh,  
10 one more thing, I would ask for a motion by the Committee  
11 to allow me to correct scrivener's errors.

12 MEMBER FRENCH: So moved.

13 MEMBER DRAGO: Second.

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Motion carries. I will  
19 make sure to eliminate any typos that come to my  
20 attention between now and the time we submit it to the  
21 Commission.

22 Anything further, Mr. Acken, Ms. Benally?

23 MR. ACKEN: Thank you, Chairman, Members of  
24 the Committee. I apologize for typos and Oxford commas,  
25 they are important to me too. So any that you catch,

1 we'll keep getting it until we get it right.

2 But in all seriousness, I want to thank you  
3 and I want to thank the Committee and I want to thank APS  
4 for your time. My client's really excited about this  
5 project. It's a great project, a unique project, with  
6 the support of the landowner in an area that can really  
7 benefit from renewable development. So thank you all for  
8 your questions and pushing us on issues and making sure  
9 we're being thoughtful and responsive.

10 And, again, thank you so much. And, you  
11 know, thank you in advance for your time up here. I know  
12 that I personally am asking a lot. So thank you so much.

13 MS. BENALLY: Mr. Chairman, Committee  
14 Members, thank you for granting intervention for APS to  
15 participate in this case. We are pleased that the  
16 CEC-225-B has been granted. Thank you very much.

17 CHMN STAFFORD: Anything further from  
18 members?

19 (No response.)

20 CHMN STAFFORD: All right. Well, that  
21 concludes the hearing. We approved the two CECs.

22 With that, we are adjourned.

23 (The hearing concluded at 12:54 p.m.)

24

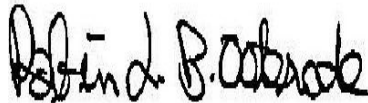
25

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  
10 the parties hereto nor am I in any way interested in the  
11 outcome hereof.

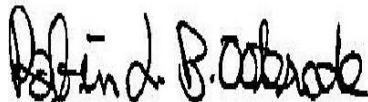
12 I CERTIFY that I have complied with the ethical  
13 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206  
14 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this  
15 10th day of September, 2023.

16  
17 

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

22 \* \* \* \* \*

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

26  
27 

28 \_\_\_\_\_  
29 GLENNIE REPORTING SERVICES, LLC  
30 Registered Reporting Firm  
31 Arizona RRF No. R1035