

1 BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LSC-235
2 LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION OF) DOCKET NO.
SUNZIA TRANSMISSION LLC, IN) L-00000YY-15-0318
5 CONFORMANCE WITH THE REQUIREMENTS OF) 00171
ARIZONA REVISED STATUTES 40-360, ET)
6 SEQ., FOR A CERTIFICATE OF) CASE NO. 171
ENVIRONMENTAL COMPATIBILITY)
7 AUTHORIZING THE SUNZIA SOUTHWEST) AMENDMENT TO
TRANSMISSION PROJECT, WHICH INCLUDES) DECISION NO.
8 THE CONSTRUCTION OF TWO NEW 500KV) 75464
TRANSMISSION LINES AND ASSOCIATED)
9 FACILITIES ORIGINATING AT A NEW)
SUBSTATION (SUNZIA EAST) IN LINCOLN)
10 COUNTY, NEW MEXICO, AND TERMINATING) PREFILING
AT THE PINAL CENTRAL SUBSTATION IN) CONFERENCE
11 PINAL COUNTY, ARIZONA. THE ARIZONA)
PORTION OF THE PROJECT IS LOCATED)
12 WITHIN GRAHAM, GREENLEE, COCHISE,)
PINAL, AND PIMA COUNTIES.)
13 _____)

14 At: Phoenix, Arizona

15 Date: July 14, 2022

16 Filed: July 19, 2022

17

18 REPORTER'S TRANSCRIPT OF PROCEEDINGS

19 (Pages 1 through 22)

20

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24 By: Robin L. B. Osterode, CSR, RPR
Arizona CR No. 50695

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INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED
	(None Marked)	

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, commencing at 11:00 a.m. on the 14th day of
5 July 2022, with all participants appearing via
6 videoconference.

7
8 BEFORE: PAUL A. KATZ, Chairman

9 APPEARANCES:

10 For the Applicant:

11 ACKEN LAW
12 Mr. Albert Acken
13 111 East Dunlap Avenue, Suite 1-172
14 Phoenix, Arizona 85020

15 Also Present:

16 Adam Cernea-Clark, Pattern Energy
17 Cindy Freeman, Southwestern Power
18 Natalie McCue, Pattern Energy
19 Danielle Mills, Pattern Energy
20 Tod Brewer, Assistant to Chairman Katz
21 Lisa Glennie, Glennie Reporting Services
22 Marta Hetzer, Glennie Reporting Services
23
24
25

1 CHMN. KATZ: We do have Robin Osterode, our
2 court reporter present, and we can go on the record.

3 Mr. Bert Acken, represents SunZia, the
4 applicant, and I don't know if you want to go ahead and
5 introduce anybody else or if you call -- or maybe better
6 yet, if you need to call on anybody, you can just
7 indicate who it is that's speaking.

8 MR. ACKEN: Okay. I'm happy to do it that way.
9 Just for the record I'll note that we have
10 representatives from Southwestern Power Group, as well as
11 Pattern Energy.

12 CHMN. KATZ: Okay. And this is going to be an
13 application to amend CEC 171, the SunZia east to Pinal
14 Center 500kV line project. And I don't know -- I'm
15 assuming we may have some intervenors, because I did take
16 a look and I saw your motion, a response, by a
17 person -- a particular individual that -- and I could
18 look up his name, it's not that critical. And then
19 your -- who opposed the amendment. And then your reply
20 and his sur-reply, but do we -- how many possible
21 intervenors do you think we might have and who are they?

22 MR. ACKEN: So we will definitely have at least
23 one, and that is Peter Else, that's the individual that
24 you referenced that responded to our motion. So Mr. Else
25 was an intervenor in the original proceeding and he will

1 intervene in this one again. He has indicated that he
2 will. No other party to the original proceeding has
3 affirmatively told me that they will intervene. I would
4 not be surprised if another one or two does, but as of
5 this time none have indicated that to me.

6 I have spoken with the attorney for Robson --
7 Robson Development was one of the intervenors, and he had
8 some questions about the project or about the amendment.
9 But at this time, they are not planning to intervene, you
10 know, we're going to continue to speak with them and
11 coordinate with them, and see if we can address any
12 questions that they have without them intervening. But
13 that's the only other party to the original proceeding
14 that's actually reached out to me about this application.

15 CHMN. KATZ: And what's the homeowner
16 association?

17 MR. ACKEN: It's Robson -- it's the development,
18 Robson Developer down there, just north of Oracle, and
19 again, they were a party to the original proceeding, not
20 the HOA, but the development. SaddleBrooke Heights, I
21 believe is the name of the development.

22 CHMN. KATZ: And the attorney for them is who
23 again?

24 MR. ACKEN: Jay Shapiro.

25 CHMN. KATZ: Okay. And I'm assuming that you

1 either have or will notify all interested parties. And
2 who are -- what are the jurisdictions that we need to
3 give notice to, outside of the normal course of your
4 publications and filings?

5 MR. ACKEN: We have a number of counties, we
6 have Greenlee, Graham, Pima, Pinal, maybe -- maybe
7 Cochise, I believe. So we'll have those counties all
8 receive notification. It's -- we're not that close to
9 any incorporated jurisdictions, so, you know,
10 I -- perhaps -- oh, the name's escaping me down there in
11 Southeast Arizona.

12 CHMN. KATZ: Sierra?

13 MR. ACKEN: No, not Sierra. It's the one that
14 starts with a W. Oh, shoot, but anyway. They're
15 unincorporated communities down there. Cindy Freeman can
16 chime in, if I -- if she can think of any off the top of
17 her head.

18 CHMN. KATZ: We had Graham, Greenlee, Pinal,
19 Cochise, and did you mention any other?

20 MR. ACKEN: And Pima. And then state land.

21 CHMN. KATZ: Okay.

22 MR. ACKEN: We also cross Coolidge. So a
23 portion of the project crosses incorporated Coolidge.

24 CHMN. KATZ: Okay. And we don't have -- I don't
25 have any new maps or documents that we need to attach to

1 this hearing. Correct? There will be a -- an
2 application to amend with appropriate documents being
3 attached. Correct?

4 MR. ACKEN: That's correct. We're looking to
5 file that supplement at the end of the month, towards the
6 end of the month. It will be -- it will be a blend of
7 what the typical application, and without any --
8 requesting any route changes. And you mention a map, so
9 we will provide a map just to provide context. There is
10 no route change proposed here.

11 The three changes are term extension for one of
12 the lines; bifurcation, so that one of the lines can be
13 assigned to a different entity; and then the different
14 tower structures on the DC tower structures. So that's
15 what our application is going to be based on. And -- but
16 we will include maps, just to provide some context.

17 CHMN. KATZ: And the thing is, is that since
18 there's already been a multidisciplinary environmental
19 analysis with the CEC, I believe going through the seven
20 statutory requirements under 40-360, I don't think we
21 need to have a full-blown hearing. But I think we need
22 to focus on primarily, from my reading, and tell me if
23 I'm wrong, need to focus upon the visual impact that the
24 higher (inaudible) --

25 THE REPORTER: I'm sorry, Chairman Katz, you

1 dropped off there.

2 CHMN. KATZ: You dropped me?

3 THE REPORTER: Yes.

4 CHMN. KATZ: What I was saying is I think we're
5 going to need to have some presentation that deals with
6 the visual impact, if any, that the higher towers and the
7 reconfiguration and additional conductors might have
8 visually.

9 I don't think that there's any greater land
10 disturbance than there was before. And we've already
11 gone through all the cultural resources, environmental
12 impact. Mr. Else expressed some concerns about greater
13 impact to migratory birds, but outside of those issues --
14 and he also expressed some concerns about bifurcating or
15 having two CECs issued would result in power not -- might
16 not serving -- I mean, the typical finding, and I was
17 looking at the CEC, just to pull up some language, but it
18 says, the last line is, "We find the project is in the
19 public interest because the project's potential
20 contribution to meeting the need for adequate economical
21 and viable supply of electrical power outweighs the
22 minimized impact of the project on environmental and
23 ecology of the state."

24 So we're going to need to show if there is going
25 to be some diversion of power to other states that wasn't

1 originally contemplated. We need to make sure that we
2 still can meet that test of improving reliability without
3 damage to our electrical grid.

4 I don't know if I talked too much, Mr. Acken,
5 but do you see any other real issues? In other words, I
6 want to try to make sure that the issues get narrowed for
7 this hearing.

8 MR. ACKEN: Appreciate your comments and your
9 sentiments and share them. And see it this way, you
10 know, one thing that we're going to note is the original
11 approval, the original application noted the power
12 structures would be up to 170 feet. The typical
13 structure was 135. Here the typical is going to be 150,
14 but still within what was previously approved.

15 But, bottom line, we'll present testimony on
16 visual impacts, and to the extent that there are other
17 impacts on environmental resources, we will explain what
18 they are. And to the extent there are not, we will
19 explain why there are not. We'll present testimony to
20 address, so the committee understands the need for
21 bifurcation, and that will go into what you were just
22 talking about there on those findings of fact and
23 conclusions of law, really getting into the need for this
24 project and the need for what we're doing here at this
25 time.

1 THE REPORTER: Chairman Katz, you're muted.

2 CHMN. KATZ: Sorry about that. I didn't want
3 to have any heavy breathing, but I missed the last
4 couple of words that you stated. It's probably not
5 critical.

6 MR. ACKEN: I'll just say that we understand the
7 need to present testimony in support of those findings of
8 fact and conclusions of law, and we will do so.

9 CHMN. KATZ: Thank you. And we don't yet have a
10 draft notice of hearing. We can prepare that for review,
11 and you're going to -- do you --

12 Tod, are we going to prepare that or do we want
13 to have the applicant provide us with a draft notice of
14 hearing for our editing?

15 MR. BREWER: We could have the applicant prepare
16 that, that way we can have the proper location of the
17 hearing being held.

18 CHMN. KATZ: Thank you.

19 And that was Tod Brewer, our paralegal.

20 And where do you intend to publish the notice
21 once it's approved?

22 MR. ACKEN: We plan to publish in the Arizona
23 Republic, given that this -- the line itself is 200 miles
24 in Arizona.

25 CHMN. KATZ: Right.

1 MR. ACKEN: We need statewide publication, so
2 we'll do The Republic.

3 CHMN. KATZ: Okay. And I don't know about
4 signs, you can't -- you're not going to have signs -- do
5 you think we need to have signs, and if so, where are
6 they going to be posted?

7 MR. ACKEN: I don't think we need signs. We
8 already have signs, you know, there are signs for the
9 route itself, that it was approved.

10 CHMN. KATZ: Right.

11 MR. ACKEN: It gives the public notice that this
12 is already an approved route. I'll have to go back and
13 look and see what we did originally for signs, and maybe
14 we can do the same thing here again, just to cover our
15 bases.

16 Our thought was, you know, we're going to do
17 some other things to provide notice. Obviously a project
18 website. We're going to hold an open house. We're going
19 to look to the intervenors to help us get the word out
20 about this, and they've indicated a willingness to do
21 that. So we've got a lot of different tools in the
22 arsenal to get public notice. I think what I'd like to
23 do is take it as a -- well, unless you direct us to do
24 it, you know, we'll take it under advisement and see what
25 makes sense and certainly be prepared to either just do

1 it on our own and describe it at the prehearing or
2 explain why we chose not to.

3 CHMN. KATZ: And are we going to hold this
4 hearing -- where are we going to hold this hearing?

5 MR. ACKEN: So I'd like to hold this at the Casa
6 Grande Radisson. As you know, there's just not many
7 options in Pinal County. We think Pinal County is the --
8 and that is a good option, and it's easy -- easily
9 accessible from points all over.

10 The original hearing was held -- we kind of did
11 a tour of Southeast Arizona, if you will -- we started
12 off in Wilcox, that's the name I was forgetting earlier,
13 we spent some time in Tucson, before finishing up in
14 Florence.

15 Casa Grande is a nice, central location, we
16 think, for the committee, as well as for the parties, and
17 that's what we would propose, just holding it in Casa
18 Grande only, and not moving locations.

19 CHMN. KATZ: And that's the hotel that I have
20 been in attendance at with you and others on some prior
21 hearings since last September?

22 MR. ACKEN: That's correct.

23 CHMN. KATZ: Okay.

24 And, Tod, what are the dates that we're looking
25 at right now, is it September 6th, because I think

1 September 5th's a holiday?

2 MR. BREWER: That's correct, Mr. Chairman. We
3 currently have September the 6th through September
4 the 9th. And then we've also received enough responses
5 from the other committee members to hold Monday the 12th
6 and Tuesday the 13th, as well. Although some of them
7 have indicated that they may have to appear virtually for
8 those additional two days, but they did say that they
9 were available.

10 CHMN. KATZ: Okay. And we will obviously have
11 lodging for myself, Mr. Acken, needed staff, and for our
12 out-of-town committee members that are going to be
13 attending in person. And I'm not going to have you take
14 us on a tour, unless we want to add an additional week.
15 I don't think it makes sense to do that, unless there's
16 some critical areas that we need to be viewing.

17 MR. ACKEN: We don't think a tour is necessary
18 for the amendment proposed here.

19 CHMN. KATZ: I would agree.

20 When, Tod, would we have a Prehearing
21 Conference? I will be -- the only time I'll be out of
22 town, I've got a couple of things going on, I will be out
23 of town August 5th through the 12th, and then I'm back.
24 On August 30th, I'm having a back surgery, but it's a
25 fusion of my SI joint, and according to the doctor, I

1 shouldn't be laid up for more than a couple of days. So
2 I should be able to attend without any problem. I'll
3 have to be using a walker for two weeks, just to keep the
4 weight off of that, off of my hips, but so I'm not
5 available on the -- I'm probably not available on the
6 30th -- when would we want to have a Prehearing
7 Conference, Tod? What do we have available?

8 MR. BREWER: Mr. Chairman, we had originally
9 held August 31st at 2:00, but we can certainly move that.
10 I can move it to the 29th at 2:00, if that would --

11 CHMN. KATZ: Yeah, let me take a look.

12 MR. BREWER: -- work for everybody's schedule.

13 CHMN. KATZ: Let me take a quick look at my
14 calendar.

15 Yeah, I have an 8:00 a.m. physical exam, but
16 outside of that, I could do it on the 29th in the
17 afternoon any time.

18 MR. ACKEN: 29th will work for me as well, thank
19 you.

20 CHMN. KATZ: 29th, 2:00 -- did you say at 2:00?

21 MR. BREWER: Yes, Mr. Chairman.

22 CHMN. KATZ: Thank you kindly.

23 There's no unrelated litigation pending in this
24 matter. Correct?

25 MR. ACKEN: So there is ongoing BLM or federal

1 activity as it relates to some route adjustments in New
2 Mexico, just so you're aware, but none that --

3 CHMN. KATZ: Right. But no -- no ongoing
4 litigation outside of our hearing?

5 MR. ACKEN: Correct.

6 CHMN. KATZ: And you'll be getting that amended
7 application to us at some point in time, and I'll
8 probably need to make sure that all of our committee
9 members get a copy of that virtually if not -- I mean,
10 virtually or electronically.

11 MR. ACKEN: So my plan is to follow, if this is
12 in Tod's guidance, the template for the south line
13 amendment, as far as process, you know, we're looking to
14 file at the end of this month. As to the notice of
15 hearing, you know, we'll draft that for your review and
16 editing. Be published, you know, that following Monday,
17 Tuesday, so we can then publish that same week at the end
18 of the week, so we're 30 days before the hearing starts
19 September 6th. So we're -- and then I'll provide notice
20 to affected jurisdictions, just as we would as though it
21 were a new application.

22 CHMN. KATZ: And you will -- let me just ask
23 you, with respect to the CEC, do you think we need to go
24 through all of the conditions that were previously stated
25 or do we just have the CEC original attached as an

1 exhibit and a paragraph in there saying that the
2 committee reaffirms CEC number 171, as originally issued,
3 with the following amendments? I don't know how we want
4 to do the CEC itself.

5 MR. ACKEN: So my -- my vision was that we would
6 actually end up with two CECs, CEC-1 and CEC-2, they
7 would be mirror images, they'd have the same conditions
8 as in the original. There may need to be some tweaking
9 for conditions that have already been met, you know, we
10 might need to wordsmith some of that. But I would
11 envision that we will take a swing at that, and that will
12 be part of what we submit prior to the prehearing. And
13 then you and the committee can decide how you want to
14 handle it from there, but we are going to request two
15 CECs. No different conditions than some may have already
16 been submitted as conditions.

17 CHMN. KATZ: Right. And I think we can keep the
18 same CEC number, because that's how it was processed with
19 the Commission, and they sent it back to us for further
20 hearing with respect to what they believe to be
21 substantial amendments.

22 And public comment, are we expecting a huge
23 crowd, either virtually or in person and do we have need
24 to allocate more time?

25 MR. ACKEN: That's a great question. I think

1 the -- the 5:30 of the first day, that Tuesday, we should
2 expect significant public comment. And we will make it,
3 as it has been for other recent cases, a virtual option,
4 an in-person option. Whether or not subsequent public
5 comment days are needed, I don't know. I don't think so.
6 But certainly if, just as you handled it in other recent
7 cases, if someone shows up and missed the evening public
8 comment period, for some reason, but still wants to
9 provide comment, as long as it's not duplicative and
10 they've not already provided comment, certainly we're not
11 going to object and we're happy to have robust public
12 comment and we --

13 CHMN. KATZ: In light of the fact that we'll
14 have an all-day hearing until at least 4:30 or 5:00 and
15 periodic breaks for the benefit of the committee and our
16 court reporter, we probably don't want to go more than
17 about an hour and a half, from 5:30 to 7:00, if it takes
18 that long.

19 And if we don't finish by then -- and I think we
20 would want to probably accommodate people that are there
21 in person before we go to any of the virtual
22 participants, so that they don't have to return on
23 another occasion -- and if we're not done by 7:00, maybe
24 it will begin either the next morning with further
25 comments or the following evening. I think we can play

1 that by ear.

2 And what is the status of all of the -- are you
3 still undergoing, at least through certain parts of this
4 application through a NEPA assessment? And what if --
5 and do you have all of the permits that you're going to
6 need to go forward at this juncture?

7 MR. ACKEN: Still going through NEPA assessment
8 again for some route modifications in New Mexico. Under
9 the federal regime, and I'll ask my team to correct me if
10 I misstate this, they still, as part of -- they reviewed
11 the Arizona piece as well, but there are no Arizona route
12 adjustments. And so we don't have final -- well,
13 approval for the entire route, the 500-mile plus route,
14 because of those route changes. But, otherwise,
15 everything is in order and is in the process of being
16 obtained or has been obtained.

17 CHMN. KATZ: Are there any fork issues that you
18 need to be or we need to be concerned with?

19 MR. ACKEN: Not at all.

20 CHMN. KATZ: Okay.

21 MR. ACKEN: I know -- yeah, I'll just leave it
22 at that. Not at all.

23 CHMN. KATZ: And I won't ask you about
24 technology. I'm assuming you're going to have one of the
25 two crews that we usually have present that make sure

1 that we have adequate WiFi and laptop access to the
2 docket control, and that you're likely going to be giving
3 us either iPads or tablets of some sort with the exhibits
4 on them. I don't think we need hard copies of the
5 exhibits for everybody, but I always use a notebook,
6 because we try to keep hard copies of everything in our
7 chronology.

8 And I'll also talk with Tod, I don't know if
9 there was anything that was used in the prior hearing
10 that we might need for this one. But I'm assuming there
11 will be laptop access to the exhibits, and that there
12 will also be copies of -- I think the court reporting
13 firm might need two copies of the exhibits, and so forth.
14 You can confirm that with Robin or her firm.

15 Are there any other issues that we need to take
16 care of that you're aware of or --

17 MR. ACKEN: I have one item.

18 CHMN. KATZ: Sure.

19 MR. ACKEN: Condition 24 requires us to provide
20 notice to a whole suite of individuals, parties,
21 jurisdictions and public commenters in the first
22 proceeding, within three days of learning of the date of
23 the hearing. And this -- this condition 24 applies when
24 you're seeking an extension, so it's triggered here. So
25 we are prepared to do that.

1 The question I have for you is what can we treat
2 as the day we learn of the hearing? I would like to tie
3 it to the date that you actually docket this as a
4 hearing. I mean, sure, I know today that it's likely
5 going to be September 6th, but it seems odd for me to
6 provide notice of a hearing before it's -- an actual
7 formal notice has been docketed.

8 So I wanted to tee that issue up with you and
9 make sure you agreed or were comfortable with us
10 providing notice within three days of the formal notice
11 being docketed.

12 CHMN. KATZ: I think that that makes sense.

13 Tod, do you see any problems with doing that?

14 MR. BREWER: No, Mr. Chairman. Thank you.

15 CHMN. KATZ: Yeah, no, I'm comfortable. I just
16 want to make sure, I mean, there's already an abundance
17 of notice, based upon all of the public comments that I
18 saw, I didn't read through all of them, but I think that
19 any of the affected communities are aware of what is
20 taking place, and that date that you are proposing is
21 fine.

22 Is there anything else that we need to cover
23 that you're aware of?

24 MR. ACKEN: Nothing from me.

25 I would ask my team if I've missed something

1 that we discussed to please speak up.

2 CHMN. KATZ: I guess hearing silence is a good
3 thing.

4 MR. ACKEN: It is.

5 CHMN. KATZ: But I'm sure if there's any need
6 for us to get back together, you know where to find me.
7 And, as I said, I will be out of town August the 5th
8 through the 12th, visiting family in Iowa. And I will be
9 having that surgery on the 30th. And the doctor says
10 that -- I don't think I'm going to be prescribed any
11 heavy-duty pain medication, and if they end up doing
12 that, I'll end up hitching a ride with probably Leonard
13 Drago or somebody else, but I'm planning to be up and
14 ready to go, even though I'll be using a walker, not
15 because I'll be crippled, but to make sure I don't screw
16 up what the surgery was trying to accomplish.

17 Anyway, all of you enjoy the rest of the summer.
18 Robin, thank you very much. We don't need to put
19 anything else on the record.

20 We do stand in recess. Thanks.

21 (Proceedings concluded at 11:30 a.m.)

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1 STATE OF ARIZONA)
COUNTY OF MARICOPA)

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4 BE IT KNOWN that the foregoing proceedings were taken
5 before me; that the foregoing pages are a full, true, and
6 accurate record of the proceedings all done to the best
of my skill and ability; that the proceedings were taken
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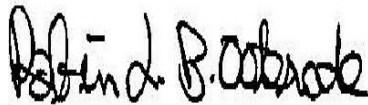
7 I CERTIFY that I am in no way related to any of the
8 parties hereto nor am I in any way interested in the
outcome hereof.

9 I CERTIFY that I have complied with the ethical
10 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this
11 18th day of July, 2022.

11

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13



14

ROBIN L. B. OSTERODE, RPR
CA CSR No. 7750
AZ CR No. 50695

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* * * * *

18 I CERTIFY that Glennie Reporting Services, LLC,
19 has complied with the ethical obligations set forth in
ACJA 7-206(J)(1)(g)(1) through (6).

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