

1 BEFORE THE ARIZONA POWER PLANT AND LS261
2 TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE) DOCKET NO.
APPLICATION OF SIERRA) L-21207A-22-0252-00208
5 ESTRELLA ENERGY STORAGE, LLC,)
IN CONFORMANCE WITH THE) LS CASE NO. 208
6 REQUIREMENTS OF ARIZONA)
REVISED STATUTES, SECTIONS)
7 40-360, et. seq., FOR TWO)
CERTIFICATES OF ENVIRONMENTAL)
8 COMPATIBILITY AUTHORIZING THE)
SIERRA ESTRELLA 230-kV)
9 GENERATION INTERTIE PROJECT)
AND ASSOCIATED SUBSTATION)
10 WITHIN THE CITY OF AVONDALE,)
ARIZONA, IN MARICOPA COUNTY,)
11 ARIZONA) EVIDENTIARY HEARING
_____)
12)

13 At: Tempe, Arizona
14 Date: November 8, 2022
15 Filed: November 14, 2022

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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VOLUME II
(Pages 128 through 167)

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at Hilton Garden Inn, 86 South Rockford
5 Drive, Tempe, Arizona, commencing at 9:06 a.m. on the
6 8th of November, 2022.

7
8 BEFORE: PAUL A. KATZ, Chairman

9 LEONARD DRAGO, Department of Environmental Quality
10 JACK HAENICHEN, Public Member
11 DAVID FRENCH, Arizona Department of Water Resources
12 JAMES PALMER, Agriculture Interests
13 MARY HAMWAY, Incorporated Cities and Towns (via
14 videoconference)
15 RICK GRINNELL, Counties (via videoconference)
16 DANIEL SCHWIEBERT, Arizona Corporation Commission
17 (via videoconference)

18 APPEARANCES:

19 For the Applicant:

20 PERKINS COIE
21 Ms. Andrea Driggs
22 Mr. Christopher Thomas
23 2901 North Central Avenue, Suite 2000
24 Phoenix, Arizona 85012

25 For the Arizona Corporation Commission Utilities
Division Staff:

ARIZONA CORPORATION COMMISSION
Ms. Kate Kane
1200 West Washington Street
Phoenix, Arizona 85007

1 CHMN. KATZ: This is time for continuation of
2 our hearing in the Sierra Estrella CEC application,
3 Plus Power, and it is CEC 208.

4 And on the left screen -- we were flipping
5 the coin back and forth, but on the left screen will be
6 the PDF version, which will be marked as Chair Exhibit
7 Number 1, and we're not going to have to scroll through
8 it. On the right screen will be the Word version that
9 we will edit as we go forward, and that will be Chair
10 Exhibit Number 2. And this is the CEC 208, CEC-1, and
11 then there will be a second CEC.

12 Let me just ask Counsel whether or not the
13 second CEC is essentially -- except for project
14 description, substantially the same?

15 MS. DRIGGS: Yes, it's identical, except for
16 the land description, because it just covers the
17 substation.

18 CHMN. KATZ: Because what we normally would
19 do -- we're going to go through the first CEC in
20 detail. We vote just verbally on all of the paragraphs
21 and then have a vote on the overall CEC at the end.
22 Since the second one is identical, except for the land
23 description, we probably won't go line by line, we'll
24 just have an avowal that it is identical. We'll take a
25 look at it, but we'll probably just very quickly get a

1 motion to approve the second one, if we approve the
2 first one, okay?

3 MS. DRIGGS: Understood.

4 CHMN. KATZ: And we'll have to make the same
5 edits to the second one that we might make to the
6 first.

7 MS. DRIGGS: Understood. Because the second
8 covers just the substation, many of the conditions in
9 the first one would not apply. And so we could either
10 delete those conditions or just say "as applicable," I
11 think.

12 CHMN. KATZ: Well, or we can -- I'll leave it
13 to you. We could delete them, if you think it's
14 appropriate, or we could leave them. It doesn't really
15 matter. But we could delete them and just make a note
16 on the record which conditions have been -- from the
17 first one have been removed from the second one. If
18 you need to think about that for a few minutes --

19 MR. THOMAS: I think that gets our vote.

20 CHMN. KATZ: Okay.

21 MR. THOMAS: And one other housekeeping item,
22 Mr. Chairman, before we jump into the CECs, and that
23 is, I failed to move for admission of the exhibits we
24 submitted previously that were marked as SE-1 through
25 SE-9. And I understand that Counsel does not have any

1 objection to admission of those exhibits, so we would
2 ask that they be admitted.

3 CHMN. KATZ: SE-1 through 9 are admitted.

4 (Exhibits SE-1 through SE-9 were admitted
5 into evidence.)

6 CHMN. KATZ: And I'll just give you the one
7 lesson that I learned. When I was a young lawyer with
8 the Justice Department, I got yelled at when I moved an
9 exhibit. You're supposed to offer the exhibit. Just
10 kidding.

11 That all being said, you've done fine. And I
12 don't -- you also had asked me whether we needed to get
13 into evidence the verbal -- not the verbal -- the
14 written witness summaries. They're already part of the
15 docket, and the Corporation Commission can always look
16 at those. I don't think we need to repeat things and
17 have them marked as exhibits. But Exhibits 1 through 9
18 were admitted.

19 MR. THOMAS: Can we mark, for the record, the
20 portion where you referred to me as a young attorney?

21 MS. DRIGGS: That's the first time it's
22 happened in decades.

23 CHMN. KATZ: Well, I remember when I was
24 sitting as the young attorney in the room, so --

25 That all being said, we have Member Grinnell

1 and Member Hamway appearing virtually. I don't see
2 anyone else, at least at this time, appearing
3 virtually. Do we have anyone else appearing virtually?

4 MEMBER SCHWIEBERT: Yes, Chairman. Daniel
5 Schwiebert from the Chairwoman's office appearing here.

6 CHMN. KATZ: Okay. That's fine. I now see
7 him. He replaced me for a second on the screen.
8 Welcome, Daniel.

9 And we can get started any time you are ready
10 and we can, on the right screen, just scroll up and we
11 can review the introduction -- I mean, scroll down.

12 Okay. And we don't have Zach Branum present
13 anymore, so he's gone.

14 MS. DRIGGS: Would you like me to initially
15 redline these or not?

16 CHMN. KATZ: No. You can just go ahead, as
17 we go, and -- either way. But it's going to go back to
18 Tod, he'll revise it into a PDF, I'll sign it.

19 But I'm here, Leonard is here, David French
20 is here, Mary Hamway is appearing, Rick Grinnell, James
21 Palmer, Jack Haenichen. Karl Gentles is not present
22 today, so you can remove him. And we'll leave -- Toby
23 isn't here today, but she appeared yesterday. She is
24 working at the polls today, but she should be counted
25 at least as present. And we have Daniel Schwiebert who

1 is present virtually today. He's the Corporation
2 Commission representative. And if you need to have him
3 spell his -- I think we got it correct, did we not,
4 Daniel? Is it S-C-H- --

5 MEMBER SCHWIEBERT: W-I-E.

6 CHMN. KATZ: It's I-E instead of E-I.

7 MEMBER SCHWIEBERT: Thank you, Chairman.

8 MEMBER GRINNELL: Mr. Chairman.

9 CHMN. KATZ: Yes.

10 MEMBER GRINNELL: In the introduction it says
11 "Tempe, Arizona" at the very top.

12 MS. DRIGGS: Yes.

13 MEMBER PALMER: Yeah, that's where we are.

14 CHMN. KATZ: We are in Tempe, Arizona.

15 MEMBER GRINNELL: I thought we were supposed
16 to be in Avondale. I'm sorry.

17 CHMN. KATZ: No. No. Today and tomorrow's
18 hearing are in Tempe; our next hearing on the Runway
19 project is in Avondale.

20 MEMBER GRINNELL: Okay. I got them
21 backwards. Thank you, sir.

22 CHMN. KATZ: And I think we have all of the
23 Committee Members properly noted.

24 And just keep scrolling down slowly now. The
25 next paragraph, on Lines 9 through 15, looks -- we

1 aren't going to view Lines 11 through 15 right now.
2 We're going to come back to that at the end of our
3 review of the CEC.

4 But do we have any motion to approve the
5 introduction and the membership for this hearing?

6 MEMBER FRENCH: Mr. Chairman.

7 CHMN. KATZ: Yes.

8 MEMBER FRENCH: On Page 1 the application is
9 denoted as CEC-1. Historically, we've changed it.

10 CHMN. KATZ: Right. That should read
11 CEC 208-1, correct?

12 MS. DRIGGS: Understood. CEC 208 --

13 CHMN. KATZ: 208-1. Okay.

14 Do we have a motion, then, to approve the
15 first page up to Line Number -- and the second page up
16 to Line Number 10? Do we have a motion?

17 MEMBER PALMER: I so move.

18 MEMBER FRENCH: Second.

19 CHMN. KATZ: Any discussion?

20 (No response.)

21 CHMN. KATZ: All in favor.

22 (A chorus of ayes.)

23 CHMN. KATZ: Anybody opposed?

24 (No response.)

25 CHMN. KATZ: Then let's skip over the vote

1 and go to the project overview and let's just stop
2 there for a minute. Take a look at Lines, essentially,
3 16 and a half or 17 through 24. And then we'll, in a
4 minute or so, scroll down further to Page 3.

5 I think we can scroll to the next page.

6 And we'll have to, at Line 8 and 9 -- or,
7 Line 9 you need to change it to CEC 208-1.

8 And I don't think any of us are in a position
9 to correct any legal descriptions. I trust that they
10 are accurately represented.

11 MEMBER HAENICHEN: Mr. Chairman, did we put
12 the dash 1 on the previous time it said 208?

13 CHMN. KATZ: We've got to scroll back up. I
14 think that we did. Right there? It's CEC 208-1 on
15 Line 9.

16 MEMBER HAENICHEN: Well, it was also -- can
17 you go up a little higher?

18 CHMN. KATZ: Sure. And there will probably
19 be a motion allow myself to make any necessary --

20 MEMBER HAENICHEN: Yeah, that's true.

21 CHMN. KATZ: But go up a little bit higher
22 just to make sure we got the CEC 208-1s all right.

23 MS. DRIGGS: Sure.

24 CHMN. KATZ: I think we have.

25 MEMBER HAENICHEN: Go higher.

1 CHMN. KATZ: You want to go higher? Okay.

2 Let's go back to the top.

3 MEMBER HAENICHEN: Yeah, you did.

4 CHMN. KATZ: Okay. We're set then.

5 MEMBER HAENICHEN: Sorry.

6 CHMN. KATZ: It's okay.

7 We're on Page 3, and let's go to the end of
8 the project description. And if there's a motion to
9 approve it through Page 4, Line Number 3, the project
10 description, we can have a motion.

11 MEMBER HAENICHEN: So moved.

12 CHMN. KATZ: Any second?

13 MEMBER PALMER: Second.

14 CHMN. KATZ: Any discussion?

15 (No response.)

16 CHMN. KATZ: All in favor.

17 (A chorus of ayes.)

18 CHMN. KATZ: Anybody opposed?

19 (No response.)

20 CHMN. KATZ: Hearing silence, we'll go on now
21 to review each condition one at a time.

22 Condition Number 1, whenever you're ready.

23 MEMBER HAENICHEN: I move Condition 1.

24 MEMBER GRINNELL: Second.

25 CHMN. KATZ: All in favor.

1 (A chorus of ayes.)

2 CHMN. KATZ: Anybody opposed?

3 (No response.)

4 CHMN. KATZ: Condition Number 2. Let's
5 scroll so we can see all of Condition 2, please.

6 MS. DRIGGS: And I'm just going to delete the
7 footnotes that say they're identical --

8 CHMN. KATZ: Right.

9 MS. DRIGGS: -- to previous CECs.

10 CHMN. KATZ: Right. The footnotes should be
11 eliminated, and any reference to the prior CECs that
12 were relied upon can be eliminated as well.

13 MS. DRIGGS: Okay.

14 CHMN. KATZ: Do we have a Condition 2 motion?

15 MEMBER PALMER: I would move Condition 2.

16 MEMBER FRENCH: Second.

17 CHMN. KATZ: Any discussion?

18 (No response.)

19 CHMN. KATZ: All in favor.

20 (A chorus of ayes.)

21 CHMN. KATZ: Anybody opposed?

22 (No response.)

23 CHMN. KATZ: Let's go now to Condition
24 Number 3. We started out on Page 4. We're now on
25 Page 5 through Line 11.

1 MEMBER GRINNELL: I move Condition 3.
2 MEMBER FRENCH: Second.
3 CHMN. KATZ: All in favor.
4 (A chorus of ayes.)
5 CHMN. KATZ: Anybody opposed?
6 (No response.)
7 CHMN. KATZ: And if I don't ask for
8 discussion, I'm assuming there is none, but don't
9 hesitate to interrupt if you want to discuss or correct
10 anything.
11 Condition Number 4.
12 MEMBER HAENICHEN: I'll move 4.
13 MEMBER FRENCH: Second.
14 CHMN. KATZ: Any discussion?
15 (No response.)
16 CHMN. KATZ: All in favor.
17 (A chorus of ayes.)
18 CHMN. KATZ: Anybody opposed?
19 (No response.)
20 CHMN. KATZ: We're looking now at Condition
21 Number 5.
22 MEMBER PALMER: I move Condition 5.
23 MEMBER HAENICHEN: Second.
24 CHMN. KATZ: Discussion?
25 (No response.)

1 CHMN. KATZ: All in favor.

2 (A chorus of ayes.)

3 CHMN. KATZ: Is there anyone opposed?

4 (No response.)

5 CHMN. KATZ: Take a look at Condition
6 Number 6. Again, it deals with protection of avian
7 species in accordance with current practices and
8 manual.

9 MEMBER FRENCH: Move Condition 6.

10 MEMBER HAENICHEN: Second.

11 CHMN. KATZ: Any discussion?

12 (No response.)

13 CHMN. KATZ: All in favor.

14 (A chorus of ayes.)

15 CHMN. KATZ: Anybody opposed?

16 (No response.)

17 CHMN. KATZ: Condition 7. Any motion?

18 MEMBER PALMER: I move Condition 7.

19 MEMBER FRENCH: Second.

20 CHMN. KATZ: Discussion?

21 (No response.)

22 CHMN. KATZ: All in favor.

23 (A chorus of ayes.)

24 CHMN. KATZ: Anybody opposed?

25 (No response.)

1 CHMN. KATZ: It passes. Number 8.

2 MEMBER GRINNELL: I move Condition 8.

3 MEMBER HAENICHEN: Second.

4 CHMN. KATZ: Discussion?

5 (No response.)

6 CHMN. KATZ: All in favor.

7 (A chorus of ayes.)

8 CHMN. KATZ: Anybody opposed?

9 (No response.)

10 CHMN. KATZ: Condition Number 9. Let's just

11 leave it there for a minute or so so everybody can read

12 that. And Condition 9 will continue momentarily on

13 Page Number 7. I think we can scroll. And if you ever

14 need us to go back, just let us know.

15 Any motion for Condition 9?

16 MEMBER PALMER: I move Condition 9.

17 MEMBER DRAGO: Second.

18 CHMN. KATZ: Any discussion?

19 (No response.)

20 CHMN. KATZ: All in favor.

21 (A chorus of ayes.)

22 CHMN. KATZ: Anybody opposed?

23 (No response.)

24 CHMN. KATZ: Condition Number 10.

25 MEMBER HAMWAY: I move Condition 10.

1 CHMN. KATZ: Is there a second?
2 MEMBER HAENICHEN: Second.
3 CHMN. KATZ: Discussion?
4 (No response.)
5 CHMN. KATZ: All in favor.
6 (A chorus of ayes.)
7 CHMN. KATZ: Anyone opposed?
8 (No response.)
9 CHMN. KATZ: Let's take a look at Condition
10 Number 11.
11 MEMBER GRINNELL: Move Condition 11.
12 CHMN. KATZ: Any second?
13 MEMBER PALMER: Second.
14 CHMN. KATZ: Discussion?
15 (No response.)
16 CHMN. KATZ: All in favor.
17 (A chorus of ayes.)
18 CHMN. KATZ: Anybody opposed?
19 (No response.)
20 CHMN. KATZ: Condition 12 now.
21 MEMBER HAENICHEN: I'll move Condition 12.
22 MEMBER FRENCH: Second.
23 CHMN. KATZ: Discussion?
24 (No response.)
25 CHMN. KATZ: All in favor.

1 (A chorus of ayes.)
2 CHMN. KATZ: Anybody opposed?
3 (No response.)
4 CHMN. KATZ: Condition Number 13.
5 MEMBER PALMER: Move Condition 13.
6 MEMBER FRENCH: Second.
7 CHMN. KATZ: Any discussion?
8 (No response.)
9 CHMN. KATZ: All in favor.
10 (A chorus of ayes.)
11 CHMN. KATZ: Anybody opposed?
12 (No response.)
13 CHMN. KATZ: Condition Number 14.
14 MEMBER FRENCH: Move Condition 14.
15 MEMBER HAENICHEN: Second.
16 CHMN. KATZ: All in favor.
17 (A chorus of ayes.)
18 CHMN. KATZ: Anybody opposed?
19 (No response.)
20 CHMN. KATZ: Condition Number 15.
21 MEMBER HAENICHEN: I'll move Condition 15.
22 MEMBER PALMER: Second.
23 CHMN. KATZ: Any discussion?
24 (No response.)
25 CHMN. KATZ: All in favor.

1 (A chorus of ayes.)

2 CHMN. KATZ: Anybody opposed?

3 (No response.)

4 CHMN. KATZ: Condition 16.

5 MEMBER GRINNELL: Move Condition 16.

6 CHMN. KATZ: Any second?

7 MEMBER PALMER: Second.

8 CHMN. KATZ: All in favor.

9 (A chorus of ayes.)

10 CHMN. KATZ: Anybody opposed?

11 (No response.)

12 CHMN. KATZ: Looking at Condition Number 17,

13 and that's at Page 8 and it runs into momentarily Page

14 Number 9. And we can scroll down.

15 MEMBER PALMER: I move Condition 17.

16 MEMBER FRENCH: Second.

17 MEMBER HAENICHEN: Second.

18 CHMN. KATZ: Any discussion?

19 (No response.)

20 CHMN. KATZ: All in favor.

21 (A chorus of ayes.)

22 CHMN. KATZ: Anybody opposed?

23 (No response.)

24 CHMN. KATZ: We'll take a look at Condition

25 Number 18. Any motion for Condition Number 18?

1 MEMBER DRAGO: I move Condition 18.
2 MEMBER FRENCH: Second.
3 CHMN. KATZ: Any discussion?
4 (No response.)
5 CHMN. KATZ: All in favor.
6 (A chorus of ayes.)
7 CHMN. KATZ: Anybody opposed?
8 (No response.)
9 CHMN. KATZ: Condition Number 19.
10 MEMBER GRINNELL: So moved.
11 MEMBER FRENCH: Second.
12 CHMN. KATZ: Any discussion?
13 (No response.)
14 CHMN. KATZ: All in favor.
15 (A chorus of ayes.)
16 CHMN. KATZ: Anybody opposed?
17 (No response.)
18 CHMN. KATZ: Condition Number 20 deals with
19 the transfer or assignment of the certificate.
20 MEMBER GRINNELL: So moved.
21 MEMBER HAENICHEN: Second.
22 CHMN. KATZ: Discussion?
23 (No response.)
24 CHMN. KATZ: All in favor.
25 (A chorus of ayes.)

1 CHMN. KATZ: Anybody opposed?
2 (No response.)
3 CHMN. KATZ: Condition 21.
4 MEMBER PALMER: I move Condition 21.
5 MEMBER DRAGO: Second.
6 CHMN. KATZ: Discussion?
7 (No response.)
8 CHMN. KATZ: All in favor.
9 (A chorus of ayes.)
10 CHMN. KATZ: Anybody opposed?
11 (No response.)
12 CHMN. KATZ: Condition Number 22.
13 MEMBER GRINNELL: Move Condition 22.
14 CHMN. KATZ: Is there a second?
15 MEMBER FRENCH: Second.
16 CHMN. KATZ: All in favor.
17 (A chorus of ayes.)
18 CHMN. KATZ: Anybody opposed?
19 (No response.)
20 CHMN. KATZ: We're now going to findings of
21 fact and conclusions of law, and I might generically
22 refer to them as either findings or conclusions, but
23 some of them are findings of fact and some are
24 conclusions of law. But Number 1 in our findings.
25 MEMBER PALMER: I move Finding of Fact and

1 Conclusions of Law Number 1.

2 MEMBER HAENICHEN: Second.

3 CHMN. KATZ: Discussion?

4 (No response.)

5 CHMN. KATZ: All in favor.

6 (A chorus of ayes.)

7 CHMN. KATZ: Anybody opposed?

8 (No response.)

9 CHMN. KATZ: No one is opposed.

10 Number 2.

11 MEMBER GRINNELL: Move Finding of Fact 2.

12 MEMBER FRENCH: Second.

13 CHMN. KATZ: Discussion?

14 (No response.)

15 CHMN. KATZ: All in favor.

16 (A chorus of ayes.)

17 CHMN. KATZ: Anybody opposed?

18 (No response.)

19 CHMN. KATZ: No opposition.

20 Number 4.

21 MS. DRIGGS: I think we forgot 3.

22 CHMN. KATZ: Oh, Number 3. Excuse me. I'm
23 getting ahead of myself.

24 MEMBER FRENCH: Move Finding 3.

25 MEMBER HAENICHEN: Second.

1 CHMN. KATZ: Discussion?

2 (No response.)

3 CHMN. KATZ: All in favor.

4 (A chorus of ayes.)

5 CHMN. KATZ: Anybody opposed?

6 (No response.)

7 CHMN. KATZ: Now, in the correct mathematical
8 order, Number 4.

9 MEMBER PALMER: I move Finding 4.

10 MEMBER HAMWAY: Second.

11 CHMN. KATZ: Discussion?

12 (No response.)

13 CHMN. KATZ: All in favor.

14 (A chorus of ayes.)

15 CHMN. KATZ: Anybody opposed?

16 (No response.)

17 CHMN. KATZ: Condition Number 5, which is at
18 the bottom of Page 10 going on to Page 11.

19 MEMBER GRINNELL: I move Conclusion Number 5,
20 Conclusion of Law Number 5.

21 MEMBER HAENICHEN: I'll second.

22 CHMN. KATZ: Any discussion?

23 (No response.)

24 CHMN. KATZ: All in favor.

25 (A chorus of ayes.)

1 CHMN. KATZ: And Condition Number 6, our
2 final condition -- or, finding.

3 MEMBER PALMER: I move Finding Number 6.

4 CHMN. KATZ: Second?

5 MEMBER DRAGO: Second.

6 CHMN. KATZ: Any discussion?

7 (No response.)

8 CHMN. KATZ: All in favor.

9 (A chorus of ayes.)

10 CHMN. KATZ: Anybody opposed?

11 (No response.)

12 CHMN. KATZ: That's fine. We've approved the
13 conditions and the findings, but we need to go back up
14 to -- it was either on the first or the second page,
15 and that's where we take our final vote. Let's get
16 back up there. It's on Page 1 or 2. What page is
17 that? Is that 2?

18 MS. DRIGGS: Yes, it is.

19 CHMN. KATZ: Okay. That's fine. We're on
20 Page 2. Let's go back up. And that's a paragraph that
21 is from Line 10 through Line 15, and we need to take a
22 vote and we do that by roll call. And the way that
23 we'll do that is I'll start to my left and have the
24 gentleman to my left indicate how he votes, identify
25 himself. Go ahead.

1 MEMBER DRAGO: Len Drago votes aye.

2 CHMN. KATZ: To my right.

3 MEMBER HAENICHEN: I'm Jack Haenichen,
4 representing the public. I vote aye.

5 MEMBER FRENCH: David French. I vote aye.

6 MEMBER PALMER: Jim Palmer. I vote aye. And
7 I would add a thank you to the attorneys, the
8 witnesses. I thought it was a very well-presented
9 case. Thank you.

10 MS. DRIGGS: Thank you.

11 CHMN. KATZ: And I don't think there's
12 anybody sitting to his right, but I'll then ask Member
13 Hamway how she would vote.

14 MEMBER HAMWAY: Mary Hamway. I vote aye.

15 CHMN. KATZ: And Mr. -- or, Member Grinnell.

16 MEMBER GRINNELL: Thank you, Mr. Chairman. I
17 would vote aye, and I'd like to make a request. I
18 thought the information by Mr. Rogers was very well
19 laid out. And if he has contact information, if
20 Counsel or somebody could e-mail that to us, I think it
21 would be good for me to learn more about this because
22 I'm sure we're going to be seeing many more of these
23 battery storage facilities. So thank you. I vote aye.

24 CHMN. KATZ: Okay. And Mr. Schwiebert, I
25 don't know if you're going to vote one way or the other

1 or abstain.

2 MEMBER SCHWIEBERT: I vote aye.

3 CHMN. KATZ: If my arithmetic is correct, I
4 think that's seven that have voted aye.

5 MEMBER GRINNELL: Eight.

6 CHMN. KATZ: Eight. I thank you all for
7 being present either in person or virtually, but it
8 would be a vote of eight to nothing. And I don't
9 know -- we can wait until we're all done or you can do
10 the scrivener error motion.

11 MEMBER PALMER: Mr. Chairman, did you want to
12 vote?

13 CHMN. KATZ: Oh, I vote aye as well.

14 MEMBER PALMER: Okay. And then I will make
15 the motion that we authorize the Chairman to make any
16 -- correct any scrivener's errors or minor editorial
17 spelling corrections.

18 MEMBER HAENICHEN: Second.

19 CHMN. KATZ: Discussion?

20 (No response.)

21 CHMN. KATZ: And I promise I won't make any
22 substantive changes.

23 That all being said, all in favor.

24 (A chorus of ayes.)

25 CHMN. KATZ: Anybody opposed?

1 (No response.)

2 CHMN. KATZ: Hearing silence, we can go --
3 and again, that was an eight-to-nothing vote, correct,
4 including myself?

5 MEMBER PALMER: Yes.

6 CHMN. KATZ: What we can do now -- and it
7 might take a couple minutes to get yourself situated.
8 I don't know, Counsel, whether you want to eliminate
9 the conditions -- all of the findings probably apply,
10 but I don't know if you want to eliminate any of the
11 conditions or tell us which ones don't apply, because I
12 can't see us going through -- to the extent that things
13 are identical by number, I can't see us going through
14 every one of those all over again.

15 MR. THOMAS: Mr. Chairman, Condition 16 may
16 or may not be applicable, is the one that sticks out to
17 me, and so --

18 CHMN. KATZ: And have we pulled that up yet?

19 MS. DRIGGS: No. I can do that right now.

20 CHMN. KATZ: Okay. We'll pull those up. And
21 again, the PDF will be Chair Exhibit 3 and the Word
22 version will be Chair Exhibit Number 4, and we need to
23 make sure that this is referenced as CEC 208-2. And if
24 any of those get missed, we will correct.

25 And you said Condition -- are we on it now --

1 Number 16 might not apply?

2 MR. THOMAS: It may not. But I think,
3 Mr. Chairman, maybe the simplest thing to do would be
4 just to add "as applicable" to Condition 16. And if it
5 applies, then it applies, and if it doesn't, then it
6 doesn't.

7 CHMN. KATZ: Okay. Let's go to the end of
8 it. Just adding, "as may be applicable"?

9 MR. THOMAS: Yes. The reason being, I don't
10 know if, you know, the owner of a substation
11 necessarily would need to be involved in regional
12 transmission planning. But if it would be helpful,
13 then of course, fair game; if not, then it wouldn't be
14 applicable.

15 CHMN. KATZ: Understanding, then, all of the
16 other conditions and findings would be applicable?

17 MR. THOMAS: Correct.

18 CHMN. KATZ: I would first ask somebody on
19 our Committee -- taking a look at 16 again, Condition
20 Number 16, that has been amended and we've added, "as
21 may be applicable." Is there a motion to approve the
22 amendment to Condition 16?

23 MEMBER PALMER: I would so move.

24 MEMBER FRENCH: Second.

25 MEMBER HAMWAY: Second.

1 CHMN. KATZ: Any discussion?

2 (No response.)

3 CHMN. KATZ: All in favor.

4 (A chorus of ayes.)

5 CHMN. KATZ: Is there anyone that's
6 opposed?

7 (No response.)

8 CHMN. KATZ: Then we have all of the other
9 conditions, Numbers 1 through, what is it, 22. Let me
10 just see. With the exception of that one change, how
11 many conditions do we have?

12 MS. DRIGGS: 22, Mr. Chairman.

13 CHMN. KATZ: Conditions 1 through 22, with
14 the one amendment included, are identical, with the
15 exception of that amendment, to the first CEC; is that
16 correct, Counsel?

17 MS. DRIGGS: That's our understanding, yes.

18 CHMN. KATZ: Do we have a motion, then, to
19 approve all of the conditions, not the findings yet?

20 MEMBER PALMER: Mr. Chairman, do we need to
21 approve the project description? Is it different?

22 CHMN. KATZ: Oh, yeah. Let's go back. I
23 apologize to you for not doing that. Let's take a look
24 at the project description before we --

25 MS. DRIGGS: Oh, and the names as well. I

1 need to update the names.

2 CHMN. KATZ: Zach Branum is no longer with
3 us. And Daniel Schwiebert we can add, as we did in the
4 last one. Leonard Drago is present, David French, Mary
5 Hamway. Leave Member Little there. I don't know if we
6 removed Karl Gentles from the last one.

7 MS. DRIGGS: We did.

8 MEMBER PALMER: Yes, we did.

9 CHMN. KATZ: He needs to be removed; he
10 hasn't appeared.

11 Member Little appeared yesterday, and we need
12 to add David Schwiebert.

13 MEMBER HAMWAY: Daniel.

14 CHMN. KATZ: Did I say David? I apologize.

15 MEMBER HAMWAY: It's Daniel.

16 CHMN. KATZ: It's Daniel.

17 MEMBER SCHWIEBERT: Thank you.

18 MS. DRIGGS: Apologies.

19 CHMN. KATZ: I'm just old and senile; I can't
20 help that.

21 Now we need to then take a look at the
22 project description.

23 MEMBER PALMER: Mr. Chairman, under Daniel's
24 name it probably should say "representative of the
25 Corporation Commission" and not "member of the

1 Corporation Commission."

2 CHMN. KATZ: Right. And we need to make sure
3 to make that correction on the first one.

4 MS. DRIGGS: Let me make sure we have that on
5 both.

6 CHMN. KATZ: We need to take a look, then, at
7 the project description.

8 MS. DRIGGS: Corporation Commission
9 representative. I'll change that to match.

10 MEMBER SCHWIEBERT: I would probably
11 recommend using similar language to that of David
12 French, in that I'm the designee for the Chairwoman of
13 the Arizona Corporation Commission.

14 MS. DRIGGS: Okay. Designee for Chairman,
15 Arizona Corporation Commission?

16 MEMBER PALMER: No. On Daniel's, not on
17 David's.

18 MS. DRIGGS: Oh, yeah. Sorry.
19 Does that work?

20 MEMBER PALMER: And then, yeah, take
21 "representative" off, I think.

22 MS. DRIGGS: Okay.

23 CHMN. KATZ: Any other corrections to who any
24 of our Committee Members represent?

25 (No response.)

1 CHMN. KATZ: None. Let's just move, then, to
2 approve the designation of the Committee Members who
3 have been present. Do we have a motion?

4 MEMBER PALMER: I would so move.

5 MEMBER DRAGO: Second.

6 MEMBER FRENCH: Second.

7 CHMN. KATZ: All in favor.

8 (A chorus of ayes.)

9 CHMN. KATZ: Anybody opposed?

10 (No response.)

11 CHMN. KATZ: Let's then go to the
12 description of the project. And we'll start at Page 2,
13 Line 17, take your time, and then we'll scroll down. I
14 think --

15 MS. DRIGGS: And that is identical. Oops,
16 except I need to update the CEC 208.

17 In the project description, the land
18 description just covers the substation.

19 CHMN. KATZ: Anybody need us to go back up to
20 the top? The legal description, we're relying on
21 counsel for it being accurate.

22 MEMBER GRINNELL: Mr. Chairman.

23 CHMN. KATZ: Yes, sir.

24 MEMBER GRINNELL: So is this CEC 208-B or 2?

25 How are we --

1 CHMN. KATZ: 208-2.

2 MEMBER GRINNELL: 208-2. Because in
3 previous -- haven't we been naming them A and B?

4 CHMN. KATZ: We may have. The last hearing
5 we labeled them 1 and 2.

6 MS. DRIGGS: I've seen them labeled 1 and 2.

7 MEMBER GRINNELL: Okay.

8 CHMN. KATZ: I'm comfortable with that. It's
9 just we're issuing two CECs for --

10 MEMBER GRINNELL: That's fine. I didn't see
11 that at the very top.

12 CHMN. KATZ: That's fine.

13 Anybody want to move for approval of the
14 project description?

15 MEMBER PALMER: I would so move.

16 MEMBER HAENICHEN: Second.

17 CHMN. KATZ: All in favor.

18 (A chorus of ayes.)

19 CHMN. KATZ: Anybody opposed?

20 (No response.)

21 CHMN. KATZ: We then need to go back up to
22 Page 2, I think -- oh, no. No. We need to take a look
23 at the -- did we already -- I didn't move the
24 conditions -- I mean, we didn't move the conditions
25 because we went back up to the top. It's my

1 understanding that Conditions 1 through 22 are
2 identical, with the exception of the one amendment we
3 made to Condition Number 16, "as may be applicable."
4 So do we have a motion to approve Conditions 1 through
5 22?

6 MEMBER GRINNELL: So moved.

7 CHMN. KATZ: Second?

8 MEMBER DRAGO: Second.

9 CHMN. KATZ: Any further discussion?

10 (No response.)

11 CHMN. KATZ: Conditions 1 through 22 will be
12 approved. And now all of the --

13 MEMBER PALMER: Do you want to call for a
14 vote?

15 CHMN. KATZ: All in favor.

16 (A chorus of ayes.)

17 CHMN. KATZ: Is there anyone opposed?

18 (No response.)

19 CHMN. KATZ: We have our Findings of Fact and
20 Conclusions of Law 1 through -- is it 1 through 6?

21 MS. DRIGGS: Yes.

22 CHMN. KATZ: And those are identical to the
23 ones in the CEC 208-1, is that correct?

24 MS. DRIGGS: Yes, they are.

25 CHMN. KATZ: Is there a motion to approve

1 these six findings and conclusions?

2 MEMBER HAENICHEN: So moved.

3 MEMBER FRENCH: Second.

4 CHMN. KATZ: Any discussion?

5 (No response.)

6 CHMN. KATZ: All in favor.

7 (A chorus of ayes.)

8 CHMN. KATZ: Anybody opposed?

9 (No response.)

10 CHMN. KATZ: Okay. And we'll take a roll
11 call vote, starting to my left again.

12 MEMBER DRAGO: Len Drago votes aye.

13 CHMN. KATZ: Mr. Haenichen.

14 MEMBER HAENICHEN: Jack Haenichen votes
15 aye.

16 MEMBER FRENCH: David French. I vote aye.

17 MEMBER PALMER: Jim Palmer. I vote aye.

18 CHMN. KATZ: Member Hamway.

19 MEMBER HAMWAY: I vote aye.

20 CHMN. KATZ: And Member Grinnell.

21 MEMBER GRINNELL: Aye.

22 CHMN. KATZ: Member Schwiebert.

23 MEMBER SCHWIEBERT: Aye.

24 CHMN. KATZ: And I will also vote --

25 MEMBER HAMWAY: Mr. Chairman, may I ask a

1 question? So this is the second CEC for the hearing
2 that is starting Wednesday?

3 CHMN. KATZ: No. No.

4 MEMBER HAMWAY: No?

5 CHMN. KATZ: This is the -- okay. The first
6 CEC is for the transmission line, the 700-and-some-foot
7 transmission line. CEC Number 2 is for the
8 substation --

9 MEMBER HAMWAY: Oh, okay. All right. I get
10 it now. All right.

11 CHMN. KATZ: -- because the substation may
12 very well be assigned to SRP.

13 MEMBER HAMWAY: Different owners. Okay. I
14 missed that part of the discussion. My apologies.

15 CHMN. KATZ: No, there's no need to
16 apologize.

17 And I will also vote aye, and that gives us
18 an eight to nothing in favor.

19 And I'll just ask counsel to forward the
20 edited version, which will be, again, Chairman's
21 Exhibits 2 and 4, to Tod Brewer. And he and I will
22 review, and if appropriate I will sign off on all of
23 those and we will circulate the signed-off versions of
24 the CECs to the applicant's counsel, as well as to all
25 the Committee Members.

1 I want to thank you. This hearing went
2 quickly. Are we basically looking at a very similar
3 situation on our hearing tomorrow?

4 MS. DRIGGS: Virtually identical. That's why
5 it was so confusing, I think, yes. It's an even
6 shorter line, actually. It's 440 feet.

7 CHMN. KATZ: Okay. So you see how much --
8 valuable eight or 10 of us are to this process for such
9 a short line, but it is what it is and we'll follow the
10 law as best we know how.

11 The proceeding tomorrow doesn't start at
12 1:00. It starts at 10:00. I will probably be here at
13 9:00 because the Corporation Commission is meeting, and
14 on the agenda is a potential hearing and public comment
15 on our SunZia CEC 171 as amended. So I'll probably be
16 here at 9:00 for that.

17 And Daniel, is there a way that you could
18 just give me a call on my cell phone?

19 MEMBER SCHWIEBERT: Yes, Paul -- or, Chairman
20 Katz, I believe I can do that.

21 CHMN. KATZ: Yeah, I just wanted to chat with
22 you. Because if I'm needed, I'll be available at 9:00,
23 and I have to run downtown to get my laptop properly
24 set up. But anyway --

25 MEMBER GRINNELL: Mr. Chairman.

1 CHMN. KATZ: Yes, Member Grinnell.

2 MEMBER GRINNELL: Regarding tomorrow's
3 hearing, are we having public hearing at 5:30 again?

4 MS. DRIGGS: We are.

5 CHMN. KATZ: That's the way it got noticed.
6 If I had known it was going to be this short, we
7 probably would have set it at 4:00. But, yes, we're
8 kind of stuck.

9 MEMBER HAENICHEN: Can't change it now.

10 CHMN. KATZ: Can't change it now.

11 MEMBER GRINNELL: Well, with that, is there a
12 reason I -- obviously I missed the timing, because I
13 thought we were starting at 1:00 tomorrow.

14 CHMN. KATZ: Right. We're starting at 10:00
15 because we knew that we would be -- we needed to make
16 sure we'd be done by Thursday, which it appears we will
17 be, because Friday is Veterans Day and a federal and
18 state holiday.

19 MS. DRIGGS: Exactly.

20 CHMN. KATZ: But we're set to begin at
21 10:00 a.m. tomorrow.

22 Is there anything further we need to discuss
23 before we go into recess?

24 (No response.)

25 CHMN. KATZ: Thank you all. I'll see you

1 bright and early at 10:00 a.m. tomorrow, plus or minus
2 a few minutes. Everybody be safe if you're staying
3 here in town. Go be a good tourist if you're from out
4 of town.

5 Anyway, I'll silence myself. We do stand in
6 recess.

7 (The hearing concluded at 9:46 a.m.)

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1 STATE OF ARIZONA)
) ss.
2 COUNTY OF MARICOPA)

3

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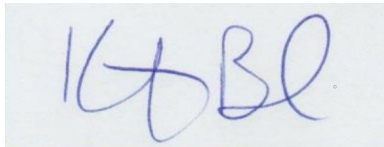
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