

1 BEFORE THE ARIZONA POWER PLANT LS-247

2 AND 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)
 8 ENVIRONMENTAL COMPATIBILITY)
 AUTHORIZING THE SIERRA)
 9 ESTRELLA 230-kV GENERATION)
 INTERTIE PROJECT AND)
 10 ASSOCIATED SUBSTATION WITHIN)
 THE CITY OF AVONDALE,)
 11 ARIZONA, IN MARICOPA COUNTY,)
 ARIZONA)
 12 _____)

13 At: Phoenix, Arizona

14 Date: September 16, 2022

15 Filed: September 29, 2022

16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED
1	Project Map	8
2	Project Map with proposed Sign locations 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 1:00 p.m. on the 16th day of
5 September, 2022, with all participants appearing via
6 videoconference.

7

8 BEFORE: PAUL A. KATZ, Chairman

9

10 APPEARANCES:

11 For the Applicant:

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18 PLUS POWER
19 Ben Weisel, Esq.

20

21 ALSO PRESENT:

22 Ms. Lucy Marton, Plus Power
23 Ms. Molly Emerson, Plus Power
24 Mr. Dean Hazle, Plus Power
25 Mr. Devin Petry, SWCA Environmental Consultants
Mr. Stephen Stoddard, SWCA Environmental Consultants
Mr. Tod Brewer, Assistant to Chairman Katz
Ms. Lisa Glennie, Glennie Reporting Services

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1 CHMN. KATZ: Good afternoon.

2 MS. DRIGGS: Good afternoon.

3 I'm Andrea Driggs. I work with Perkins Coie,
4 and I'm representing Plus Power.

5 CHMN. KATZ: Okay.

6 MS. DRIGGS: And Ben is also here representing
7 Plus Power.

8 MR. WEISEL: And, Mr. Katz, I'm an attorney
9 licensed in New York. I'm in-house counsel for Plus
10 Power.

11 CHMN. KATZ: Okay. And, Tod, are you on? I
12 think you are.

13 MR. BREWER: Yes, Mr. Chairman.

14 CHMN. KATZ: It hasn't been filed yet, but what
15 will this likely be, CEC number what?

16 MR. BREWER: Well, I don't know. I guess that
17 depends on which matter they're going to be filing first.
18 This will be either 208 or 209.

19 CHMN. KATZ: And, Ms. Driggs, are you going to
20 be filing this matter -- somebody has got to mute
21 themselves or whatever. I don't know what's happening.
22 We're getting some terrible feedback.

23 But, Ms. Driggs, which matter's going to get
24 filed first?

25 MS. DRIGGS: I believe the Sierra Estrella will

1 be filed first.

2 CHMN. KATZ: Okay. So that will likely be
3 CEC 208, but we don't know for sure till it gets filed.

4 MS. DRIGGS: Correct.

5 CHMN. KATZ: Okay. And our court reporter is
6 present. I just need to make a note to myself, and I'm
7 not good at shorthand.

8 Okay. Do we have any possible intervenors in
9 this particular matter?

10 MR. BREWER: I'm sorry, Mr. Chairman. Could you
11 announce that we're on the record for the court reporter,
12 please?

13 CHMN. KATZ: For sure. We can start again. I
14 forgot to indicate to Jennifer that we are on the record.

15 And I did ask Ms. Driggs, who represents the
16 applicant in this matter, that she is likely to file for
17 Power Plus the Sierra Estrella project first, and that
18 would likely be assigned CEC No. 208 by the Arizona
19 Corporation Commission.

20 And the other matter that we'll handle after
21 this, the Superstition project, if it gets filed second,
22 will likely be CEC No. 209.

23 And I was in the process of asking whether or
24 not there are any possible intervenors in this matter
25 that have been identified.

1 MS. DRIGGS: I'm not aware of any, sir.

2 CHMN. KATZ: And has there been much of any
3 public interest expressed by way of phone calls, e-mails,
4 or letters?

5 MS. DRIGGS: To my knowledge, there's relatively
6 little public interest been expressed to date, but please
7 correct me if I'm wrong, Devin or anyone else.

8 CHMN. KATZ: Okay. And were there any -- we
9 don't necessarily need anything, but are there any maps
10 or documents or exhibits that we need for the record for
11 today's proceeding, or are we just going to hold off
12 until the application gets filed and we, perhaps, have
13 our prehearing conference?

14 MS. DRIGGS: I believe that we're going to wait
15 until the application is filed.

16 CHMN. KATZ: Okay. And what will happen is
17 the -- I don't know if you have drafted or whether you
18 will be drafting a notice of hearing.

19 MS. DRIGGS: Yes.

20 CHMN. KATZ: And when you do that, you'll put it
21 in Word and send it to Tod. I will review it with Tod.
22 It'll get edited, or if it's in perfect form, left as is.
23 I will sign off on it. We'll get it back to you so that
24 it can be posted on the applicant's website and
25 published.

1 And are you anticipating -- I'm assuming you're
2 anticipating publishing the notice of hearing. And what
3 newspapers or other media would you intend on publishing
4 the notice in?

5 MS. DRIGGS: I know that at least -- we have the
6 notice of hearing drafted, sir.

7 CHMN. KATZ: Okay.

8 MS. DRIGGS: And so we're just going to go
9 through one more internal review on that.

10 And I believe the papers include the Arizona
11 Republic.

12 And what other -- Devin or Stephen, could you
13 step in on that?

14 MR. STODDARD: Yes. Hi, I'm Stephen
15 representing SWCA Environmental Consultants doing the
16 environmental studies for Plus Power's CEC application.

17 We also will be advertising in West Valley View.

18 CHMN. KATZ: West Valley View. And your last
19 name is Stoddard, just for the record, Stephen
20 S-t-o-d-d-a-r-d; correct?

21 MR. STODDARD: Thank you. Correct.

22 CHMN. KATZ: Thank you. And are we planning to
23 post any signs in prominent locations on public roads so
24 that the public passing by in convenient locations would
25 be able to review the notice of hearing?

1 MR. STODDARD: Yes. Right now we have three
2 proposed locations. I do have a map figure, actually,
3 available right now that I can share with you all to look
4 at those three locations.

5 CHMN. KATZ: That would be fine. And what we
6 probably want to do is have that map sent to Tod, our
7 paralegal. But it probably also ought to go to the court
8 reporter, and we can mark that as Prefiling Exhibit 1.

9 And if you need to get in touch with Jennifer,
10 you and she can stay on and exchange information, or it
11 can come through Ms. Driggs. But we want to make sure
12 that we have that map as an exhibit to just this
13 prefiling conference.

14 MR. STODDARD: Okay.

15 CHMN. KATZ: And who are the affected
16 jurisdictions -- cities, towns, county, state land, or
17 whatever?

18 MS. DRIGGS: So for the first project --

19 CHMN. KATZ: Right. And that's all we're
20 talking about right now.

21 MS. DRIGGS: For the Sierra Estrella, let me
22 just pull it up. I apologize for not having it handy.

23 CHMN. KATZ: That's okay.

24 MS. DRIGGS: The affected jurisdictions on --
25 Sierra Estrella are the City of Avondale and Maricopa

1 County.

2 CHMN. KATZ: Okay. And have they been notified,
3 or have you been working with them to date? Obviously,
4 they'll get notice of the hearing sent to them, but are
5 they aware of the project, the proposed project?

6 MR. PETRY: Mr. Chairman, this is Devin Petry,
7 also with SWCA Environmental Consultants assisting Plus
8 Power.

9 CHMN. KATZ: Sure.

10 MR. PETRY: We have provided public notice as
11 part of our public and agency and stakeholder scoping
12 process to the affected jurisdictions, yes.

13 CHMN. KATZ: Okay. And do we have a location
14 yet for the evidentiary hearing in this matter?

15 MS. DRIGGS: We do, Your Honor. It is
16 located -- it will be located at Hilton Garden Inn, 86
17 South Rockford Drive. That's in Tempe, Arizona 85281.

18 And the hearing will begin on November 7, 2022,
19 at 1:00 p.m. It will continue on as necessary on
20 November 8, 2022, and it will commence at 9:00 a.m. on
21 that date.

22 CHMN. KATZ: That's correct. What we normally
23 do is start at 1:00 p.m. because we have folks traveling
24 from out of Maricopa County. So that will be fine.

25 We'll probably run till 4:30 or 5:00 p.m. on

1 that day. And at 5:30, we will take public comments from
2 any members of the public. We'll need to have sign-in
3 sheets for those folks that appear in person. And people
4 will also be invited to participate virtually if they
5 choose to do so. And so far it doesn't seem like there's
6 a lot of interest, but if any members of government from
7 Avondale or the County wish to address us, we would take
8 their comments ahead of any members of the general
9 public.

10 And I'm assuming that at the Hilton Inn in
11 Tempe, that arrangements will be made for lodging any of
12 our out-of-town Committee members?

13 MS. DRIGGS: That's correct, Your Honor.

14 CHMN. KATZ: Right. And we normally expect that
15 on that first day at about noon or thereabouts, lunch
16 would be served to the Committee, and then breakfast on
17 the next morning, and lunch the next day. The Committee
18 members are on their own for dinner.

19 And I'm not going to be staying at the hotel. I
20 live in Scottsdale, and I'll probably commute daily back
21 and forth.

22 And is this line, essentially, in rural areas or
23 in a rural area, or not?

24 MS. MARTON: Mr. Chairman, this is Lucy Marton.
25 I'm permitting manager of Plus Power.

1 Sorry, Andrea.

2 CHMN. KATZ: Sure.

3 MS. MARTON: It is in a rural area with
4 development growing around it.

5 CHMN. KATZ: How close is the closest
6 development going to be to the proposed line, if you
7 know?

8 MS. MARTON: It is -- I can measure it right
9 now. Apologies.

10 CHMN. KATZ: Sure.

11 MS. MARTON: About 1500 feet.

12 CHMN. KATZ: Okay. And do you think that
13 there's any need for us to take a tour of the site where
14 this line will be located?

15 MS. MARTON: It is -- I'm sorry.

16 CHMN. KATZ: Go ahead.

17 MS. MARTON: It is adjacent to an existing
18 substation. We're going about 450 feet into an existing
19 substation.

20 CHMN. KATZ: Okay. So it's a very short line.

21 MS. MARTON: Yes.

22 CHMN. KATZ: And this is one of those that I
23 almost think it's unfortunate that you have to invest in
24 the hearing, but we're trying to work with the
25 Corporation Commission to try to kick some of the short

1 transmission lines out of the CEC -- out of the Committee
2 and directly to maybe a hearing officer or an
3 administrative law judge. But lots of luck in changing
4 rules in a statute that's over 50 years old.

5 And, accordingly, you don't think we need a
6 tour, but will there be a virtual tour prepared,
7 audio/visual tour, that gives us an overview of the site
8 locations?

9 MS. MARTON: Yes.

10 MR. PETRY: Mr. Chairman. Pardon me.

11 CHMN. KATZ: Yes.

12 MR. PETRY: Devin Petry with SWCA.

13 We are preparing a robust virtual tour that will
14 give an overview of the project area, the project itself,
15 of the gen-tie, and some of the related existing and
16 proposed land uses within the area there.

17 CHMN. KATZ: Okay. And, Tod, when would we
18 likely want to have our prehearing conference?

19 MR. BREWER: Thank you, Mr. Chairman. I believe
20 that we have discussed October 31 at 1:00 p.m. for this
21 matter.

22 CHMN. KATZ: Does that work for everyone?

23 MS. DRIGGS: Yes, sir.

24 CHMN. KATZ: Okay. And I'm assuming since there
25 aren't any -- I'm assuming that since there aren't any

1 intervenors, we don't have any ongoing related
2 litigation.

3 And with respect to the application, normally --
4 I don't know whether you plan on having tablets such as
5 iPads or something similar, devices with the exhibits
6 loaded on it, but we generally want to have every
7 Committee member provided with copies of the exhibits and
8 the application.

9 But, Tod, have we been generally having the
10 application itself provided to every Committee member in
11 hard copy, or is it usually virtual?

12 MR. BREWER: Mr. Chairman, I believe that that's
13 something that docket control sends out a hard copy to
14 all Committee members. I do know that they have been
15 trying to clean up their end on hard copies as well. But
16 that's all determined by docket control.

17 CHMN. KATZ: Okay.

18 MR. PETRY: Mr. Chairman, I can add to that
19 answer as well.

20 CHMN. KATZ: Sure.

21 MR. PETRY: In the filing we provide to docket
22 control, we will be including jump drives for electronic
23 copies of the application. And in addition to that,
24 within the hearing, we are contracted with Peaks Audio
25 who is a very experienced audio/visual provider for the

1 CEC hearings. And we are anticipating being able to
2 provide preloaded tablets with electronic versions of the
3 application on them as well.

4 CHMN. KATZ: And just so you know, I always want
5 to have -- even though I don't need it -- for our
6 wonderful, ever-growing library, I like to have a hard
7 copy of the application and the exhibits.

8 But the Committee members generally don't
9 require hard copies of the exhibits. So you might want
10 to have a couple of -- one or two extra notebooks
11 prepared. But as a general rule, as long as we have
12 exhibits loaded on a tablet and you'll probably, using
13 that audio/visual provider, have things projected on the
14 screens in front of us, the Committee members don't
15 generally require hard copies. But I need at least one
16 hard copy of the application and the exhibits to keep
17 along with our hard copy files.

18 And I will draft the procedural order. Once we
19 get the notice of hearing, I will draft the procedural
20 order and work with Tod on doing that and sign the notice
21 of hearing and the procedural order. We will also put
22 together an agenda, which is pretty much a standard form
23 document.

24 We're going to need you before the hearing to
25 provide draft conditions of the CEC by -- on or before

1 the prehearing conference date with references to
2 previous CECs. A lot of times we have a new applicant
3 using standard language that has been approved in other
4 CECs, so you would put that parenthetically after each
5 condition or finding. And then when we go through it and
6 edit it after the evidentiary hearing, we will eliminate
7 the references to, let's say, CEC 137 or 207, whatever
8 the case might be.

9 And the public hearing will be at the hotel.
10 And if we have any public officials that wish to address
11 us, we'll hear them first before we hear the public
12 comments.

13 Have all federal, state, county, city, or town
14 permits been already applied for, if not received, or is
15 there anything that is yet to be applied for?

16 MS. MARTON: Hi, Mr. Chairman. Lucy Marton with
17 Plus Power again.

18 We have received our conditional use permit from
19 the City of Avondale. We still have a site plan review
20 to go through that we expect to apply for in Q4 of 2022
21 and receive in Q1 of 2023.

22 There were no other federal or state permits
23 other than the CEC required.

24 CHMN. KATZ: All right. That sounds good. And
25 I'm assuming that there is no federal funding of this

1 project or it's not on federal land? Because otherwise
2 we would need a NEPA study.

3 MS. MARTON: That is correct. This is not
4 federally funded or on federal land.

5 CHMN. KATZ: Okay. Okay. And you've already
6 told me that you're using one of our established
7 audio/visual providers. They always have a good, strong
8 Wi-Fi ability. And you've already indicated there'll be
9 access to iPads, tablets, Chromebooks, or other digital
10 media for the benefit of myself and the Committee
11 members.

12 Are there any other issues, Ms. Driggs, that you
13 have any concerns about that we need to be discussing
14 here today?

15 MS. DRIGGS: I'm not aware of any, Your Honor.

16 Does anybody else have any concerns they'd like
17 to raise?

18 (No response.)

19 MS. DRIGGS: No, I don't hear any.

20 CHMN. KATZ: Okay. And what we need to do is to
21 make sure the court reporting company wanted to get final
22 transcripts of conferences and hearings -- in order
23 words, we'll get a transcript of this hearing here today
24 in fairly short order. But the court reporting company
25 likes to have final transcripts of conferences and

1 hearings posted to the applicant's website. And we just
2 need to understand that we normally get those transcripts
3 fairly quickly and like to have them presented to the
4 court reporter within two or three days after.

5 And I don't think that there's anything else
6 that we really need to cover.

7 Tod, have I forgotten anything?

8 MR. BREWER: No, Mr. Chairman, I don't believe
9 so.

10 CHMN. KATZ: And do we want to stay on this same
11 Zoom call, or do we want to get back together at two
12 o'clock? Because I don't know if we have different
13 parties participating or the same.

14 MS. MARTON: Mr. Chairman, I'm so sorry. Can I
15 correct one thing I said about the city permits?

16 CHMN. KATZ: Sure.

17 MS. MARTON: We have applied for our site plan.
18 We just have not received the approval yet.

19 CHMN. KATZ: That's fine. I just want to make
20 sure that everything is in process. I don't expect you
21 to have every permit that you might need from every
22 governmental authority, but just that they're all in
23 process. And, obviously, one of the terms and conditions
24 of any CEC is that you do not commence construction until
25 you have all of your required permits.

1 On the next matter involving the Plus Power
2 Superstition Project, do we want to resume at
3 two o'clock, or do we want to go right into that matter?

4 MS. DRIGGS: I'll defer to our client on that,
5 Your Honor.

6 MS. MARTON: Mr. Chairman, we have everybody we
7 need from our side here, so we could roll on to the next
8 matter as far as we're concerned.

9 CHMN. KATZ: And we would just have a separate
10 transcript for this.

11 And, Tod, you don't have any problem if we go
12 right into the next matter, do you?

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

14 (The prefiling conference concluded at
15 1:20 p.m.)

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