

1 BEFORE THE ARIZONA POWER PLANT AND LS-257

2 TRANSMISSION LINE SITING COMMITTEE

3

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

13 At: Phoenix, Arizona

14 Date: October 31, 2022

15 Filed: November 3, 2022

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

(Pages 1 through 21)

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GLENNIE REPORTING SERVICES, LLC  
 1555 East Orangewood, Phoenix, AZ 85020  
 602-266-6535 admin@glennie-reporting.com

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By: Kathryn A. Blackwelder, RPR  
 Certified Reporter  
 Certificate No. 50666

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INDEX TO EXHIBITS

(No exhibits were marked.)

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, commencing at 1:03 p.m. on the 31st of  
5 October, 2022, with all participants appearing via  
6 videoconference.

7  
8 BEFORE: PAUL A. KATZ, Chairman

9 APPEARANCES:

10 For the Applicant:

11 PERKINS COIE  
12 Ms. Andrea Driggs  
13 Mr. Christopher Thomas  
14 2901 North Central Avenue, Suite 2000  
15 Phoenix, Arizona 85012

16  
17 For the Arizona Corporation Commission Utilities  
18 Division Staff:

19 ARIZONA CORPORATION COMMISSION  
20 Ms. Kate Kane  
21 1200 West Washington Street  
22 Phoenix, Arizona 85007

23 ALSO PRESENT:

24 Mr. Ben Weisel, In-House Counsel, Plus Power  
25 Ms. Lucy Marton, Plus Power  
26 Ms. Molly Emerson, Plus Power  
27 Mr. Dean Hazle, SWCA Environmental Consultants  
28 Mr. Devin Petry, SWCA Environmental Consultants  
29 Mr. Armando YanezPeralta, Utilities Division, ACC  
30 Mr. Tod Brewer, Assistant to Chairman Katz  
31 Ms. Lisa Glennie, Glennie Reporting Services, LLC  
32 Ms. Marta Hetzer, Glennie Reporting Services, LLC

1 CHMN. KATZ: This is the time set for a  
2 prehearing conference in CEC 208, the Sierra Estrella  
3 project by Plus Power.

4 And I would ask counsel, who's appearing on  
5 behalf of the applicant, to please identify herself for  
6 the record.

7 MS. DRIGGS: Thank you, Chairman Katz. I'm  
8 Andrea Driggs of Perkins Coie representing Sierra  
9 Estrella here with my colleague Chris Thomas, also at  
10 Perkins Coie.

11 And we can introduce the remainder of the  
12 people on the call, if you'd like.

13 CHMN. KATZ: I don't think we need to, unless  
14 you need them to answer any questions I might ask or  
15 whatever. And if you need to call on them to say  
16 something, to verify something, you can just indicate  
17 by name -- our court reporter -- I believe Kathryn can  
18 see most of the people who are participating by name.  
19 But the main thing is that if anybody speaks, we need  
20 to know who it is that is talking.

21 And our court reporter is present.

22 And I am assuming -- I don't need lodging.  
23 I'll be commuting from Scottsdale. But this hearing  
24 and CEC 210, the other project that we'll be reviewing  
25 after this hearing, are both set for Tempe, Arizona

1 next week, correct?

2 MS. DRIGGS: That's correct.

3 CHMN. KATZ: Okay. And have we had any  
4 requests to intervene? I'm not aware of any, but I  
5 just need to ask that.

6 MS. DRIGGS: Not in this matter, Mr. Katz.

7 CHMN. KATZ: Okay. And we are going to begin  
8 on the 7th of next month -- of this -- yeah, it's still  
9 not quite November. But November 7th is when we're set  
10 to begin, and we have November 7th through the 10th  
11 available. We don't have the 11th available because  
12 it's Veterans Day and it's a legal holiday. So I'm  
13 hoping that we can get this matter done and the next  
14 matter done in four days. And most of the line siting  
15 hearings, where we don't have protests, intervention,  
16 and lengthy lines, we usually end up finishing those in  
17 about a day and a half to three days maximum, but  
18 usually a day and a half to two days. So hopefully we  
19 can get things done.

20 And I believe that March 22nd of 2023 is the  
21 time limit in which the Committee must decide this  
22 matter, but it will get decided on the last day of each  
23 -- of the two respective hearings and we will then  
24 submit the CECs. I think you've already sent out  
25 copies of them. But Tod, with little assistance from

1 me, will edit any of the CECs. And ultimately, the day  
2 that we're ready to deliberate on those CECs, we'll  
3 need the CEC for this matter sent to Tod in PDF format,  
4 and that will be Chair Exhibit Number 1, and in Word  
5 format, that will be Chair Exhibit Number 2.

6 And what happens is, we post up on the  
7 screen, assuming we have audio and video, and I'm sure  
8 we will, the PDF, and it just stays alone just so the  
9 Corporation Commission and the public knows where we  
10 are coming from. And then we will edit, as we go, the  
11 CEC that will be on the right screen, put it in final  
12 format, send it to Tod, who will -- once it's all done,  
13 who will then reduce it -- after it's edited for  
14 grammatical or typographical errors, it will be put in  
15 PDF again, and I will sign off on that and we'll send  
16 it out to everybody.

17 I hope I didn't confuse anybody. Any  
18 questions about what I've just said?

19 MS. DRIGGS: No.

20 MS. KANE: Chairman Katz, can you hear me?

21 CHMN. KATZ: Yes.

22 MS. KANE: Oh, sorry. This is Kate Kane with  
23 the Corporation Commission. I just didn't notice a  
24 time when anyone asked for my name or my appearance,  
25 and so I just wanted to make sure --

1 CHMN. KATZ: Go ahead. You might have joined  
2 us late, but go ahead. It's Kate, K-A-T-E, Kane,  
3 K-A-N-E?

4 MS. KANE: Correct.

5 CHMN. KATZ: And you're here on behalf of the  
6 Corporation Commission, is that correct?

7 MS. KANE: Correct. I'm on Staff for this  
8 case, I'm the only one. So I just wanted to make sure  
9 that everyone was aware, I'm on the call too.

10 CHMN. KATZ: Thank you very much. I  
11 appreciate that.

12 And we have until March of next year to issue  
13 the CEC or not, but we'll decide immediately upon  
14 completion of the evidence and closing arguments -- or,  
15 the closing argument. We will either rule that -- we  
16 will either enter a CEC with whatever amendments the  
17 Committee thinks appropriate or we will deny it. And  
18 in most cases, if it's a relatively short transmission  
19 line, it will more likely than not be approved.

20 And who are the affected jurisdictions in  
21 this matter under ARS Section 40-360-04(a)? It would  
22 be -- where is the line going, is it in Tempe proper?

23 MS. DRIGGS: It would be Avondale. I  
24 believe it's -- my understanding is it's within the  
25 city of Avondale. Maricopa County was also identified.

1 CHMN. KATZ: Oh, that's right. We're dealing  
2 with the -- but this hearing is in Tempe, correct, even  
3 though the project is in Avondale?

4 MS. DRIGGS: Yes, exactly, because it's about  
5 equidistant from the two projects.

6 CHMN. KATZ: Right. So Avondale has been  
7 given notice, and I'm assuming Maricopa County has  
8 been?

9 MS. DRIGGS: Yes, that's correct.

10 CHMN. KATZ: And is there any State trust  
11 land involved?

12 MS. DRIGGS: No, there is not.

13 CHMN. KATZ: Okay. So the only relevant  
14 jurisdictions would be the City of Avondale and  
15 Maricopa County and its various subsidiary entities,  
16 correct?

17 MS. DRIGGS: Yes, that's my understanding.

18 CHMN. KATZ: Okay. And what has been done  
19 with respect to posting and publication of the  
20 procedural order?

21 MS. DRIGGS: The posting requirements have  
22 been complied with. And we also created a specific  
23 exhibit detailing the stakeholder involvement summary,  
24 so that would be SE-6 for that. And then also, SWCA's  
25 slides, SE-7, will detail the notifications that were



1 necessary to be provided by law, and those have all  
2 been complied with.

3 CHMN. KATZ: And those are the exhibits for  
4 the hearing, correct, SE-6 and SE-7?

5 MS. DRIGGS: Yes, that's correct.

6 CHMN. KATZ: Okay. And I don't think we need  
7 to review the agenda; it's pretty straightforward.  
8 We're going to hear the evidence in this matter.

9 We start at 1:00 p.m., and the reason for  
10 that is we have out-of-town Members in Coconino and  
11 Safford -- in the Safford area and elsewhere. So we  
12 always begin at 1:00, at least on the first day of the  
13 hearing. And then we usually are done about 4:30 or  
14 5:00, with one or two breaks in between. Every hour  
15 and a half or so we break. And we then will have  
16 public comment, if any, at 5:30 on that first Monday.

17 And let me just ask -- we also are doing  
18 CEC 210 immediately afterwards -- when did we notice  
19 that to start? Did we say 9:00 or 1:00?

20 MS. DRIGGS: I believe we actually said  
21 10:00 a.m. for the second CEC.

22 CHMN. KATZ: That makes sense. I'd like to  
23 start it early, because anybody that's coming in from  
24 out of town and wants lodging is going to be staying.  
25 They're not going to go back home and come back less

1 than 24 hours later.

2 And we begin on November 7th to the 9th; we  
3 figure probably the 7th and 8th. And what's the name  
4 of the hotel again in Tempe?

5 MS. DRIGGS: The name of the hotel is the --  
6 let's see, I wrote it down -- the Hilton Garden Inn,  
7 86 South Rockford Drive.

8 CHMN. KATZ: Okay.

9 MS. DRIGGS: And I've been communicating with  
10 Tod regarding -- they have a block of rooms available  
11 for the Committee Members, and I know that at least  
12 some Committee Members have taken advantage of that.

13 CHMN. KATZ: That's fine. And I am assuming  
14 that -- are you using one of the crews that regularly  
15 handles these hearings for IT purposes?

16 MS. DRIGGS: Yes, that's my understanding.

17 CHMN. KATZ: Okay. And I didn't know -- have  
18 you filed all of your exhibits or not? I don't recall.

19 MS. DRIGGS: Yes, they've all been filed.

20 CHMN. KATZ: And if I don't already have one,  
21 I'll need a hard copy of the exhibits at the hearing.  
22 I don't know if you were going to use tablets at all  
23 for your evidentiary presentation. Because if you have  
24 all of the exhibits loaded on an iPad or another  
25 tablet, the Committee doesn't -- in other words, you

1 don't need to run 10 copies or 11 copies of the  
2 exhibits in hard copy. I need to preserve a hard copy,  
3 but you can always e-mail them to the Committee  
4 Members. But are you going to have the exhibits  
5 available on a tablet and will each Committee Member  
6 have a tablet in front of them?

7 MS. DRIGGS: Yes, that's my understanding.

8 CHMN. KATZ: Okay. And we'll need some  
9 sign-in forms for the hearing on -- for public comment  
10 that gets their name, address, phone, or e-mail, but  
11 I'm not counting on having a slew of people appear.  
12 You haven't had any significant protests or objections,  
13 have you --

14 MS. DRIGGS: No.

15 CHMN. KATZ: -- to this petition or  
16 application?

17 MS. DRIGGS: We have not.

18 CHMN. KATZ: Okay. So I don't think we'll  
19 have a lot by way of public comments. And it seems to  
20 me that this project is being built -- is it on private  
21 property or government and private property?

22 MS. DRIGGS: It's on private property.

23 CHMN. KATZ: And do you think -- how long of  
24 a line, transmission line, is this?

25 MS. DRIGGS: It's extremely short. I forget

1 the exact. It's in the order of, I believe, a few  
2 hundred feet.

3 CHMN. KATZ: Isn't it nice that we have to go  
4 through all this expense for such a short line? But  
5 I'm trying desperately -- I've talked with the Chair of  
6 the Corporation Commission and I've talked with Robin  
7 Mitchell, chief counsel. But the statutes are  
8 antiquated, they never contemplated a hodgepodge of  
9 solar and wind plants, that are totally unregulated,  
10 going wherever someone can acquire land to build them.  
11 And there's no need, for some of these short lines, for  
12 us to have a Committee of 10 disrupt their lives and  
13 for the applicant to spend probably 50, \$60,000 for IT,  
14 hotel accommodations, and food.

15 MS. DRIGGS: Entirely agree, Mr. Chairman.

16 CHMN. KATZ: But anyway, I'm glad to know  
17 that.

18 And in the public session, if there are any,  
19 they can appear virtually, in which case I'll have them  
20 orally state their name and contact information. And  
21 if any public officials from Maricopa County or  
22 Avondale decide they want to appear for public comment,  
23 we'll take their comments before any members of the  
24 general public.

25 And there will be daily transcripts, if you

1 need them, available. We break every 90 minutes for  
2 about 15 or 20 minutes.

3 And I'm sure that you'll have adequate and  
4 robust WiFi available, which the IT people, as well as  
5 the virtual participants, would require, is that  
6 correct?

7 MS. DRIGGS: Yes, that's correct,  
8 Mr. Chairman.

9 CHMN. KATZ: And what I do want to emphasize  
10 is -- some of you are used to wearing, if you're a  
11 male, a suit and a tie, a female, a nice suit or a  
12 dress or skirt and blouse -- you can dress business  
13 casual. I'll probably be wearing a pair of black jeans  
14 and a Hawaiian shirt or a polo shirt. So if you show  
15 up dressed like you're in a court hearing, I won't  
16 punish you, but it's absolutely not necessary.

17 And I don't think we need -- there aren't  
18 multiple segments of this line, so I don't need you to  
19 prepare a spreadsheet breaking things out for us. And  
20 there's nobody to exchange witness summaries or witness  
21 testimony. Have you provided us -- I haven't looked at  
22 them yet. Have you provided witness summaries for us  
23 as well?

24 MS. DRIGGS: We actually provided prefiled  
25 testimony, Mr. Chairman.

1 CHMN. KATZ: Okay. That's fine. And I'll  
2 make sure I have that. Tod will prepare a notebook for  
3 me.

4 And if I seem at all out of sorts, on  
5 October 3rd I had minimally invasive back surgery. I  
6 worked from home up until last week I came in two days.  
7 Now I'm back full-time without the walker and able to  
8 drive. So I apologize to you if I seem like I haven't  
9 looked at everything as of yet.

10 MS. DRIGGS: No, not at all. I hope you're  
11 feeling better.

12 CHMN. KATZ: I'm feeling fine.

13 And all of your exhibits would be labeled  
14 SE-1, 2, 3, 4, 5, 6, 7, et cetera?

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

16 CHMN. KATZ: And I'll have likely only two  
17 exhibits, which would be the PDF and Word versions of  
18 the final drafts of the CEC.

19 Are there any other legal issues that we need  
20 to be concerned with?

21 MS. DRIGGS: My understanding, Mr. Chairman,  
22 we spoke with our client about the financial  
23 arrangements with the ACC, and our client will pay the  
24 costs to the extent that they may exceed the  
25 application fee.

1 CHMN. KATZ: That's fine. And I believe we  
2 do have a letter from the ACC that supports this  
3 project, but, Ms. Kane, correct me if I'm wrong in that  
4 regard.

5 MS. KANE: You are not, Chairman. We do  
6 support this line.

7 CHMN. KATZ: And I'm not going to sit down  
8 and review the proposed CEC with you now. What will  
9 happen is we'll conduct the hearing and we'll take a  
10 look at your proposed CEC and we'll get it -- and Tod  
11 already has the drafts, I believe, is that correct,  
12 Tod? Are you there, Tod?

13 MR. BREWER: Yeah. That is correct,  
14 Mr. Chairman. Thank you.

15 CHMN. KATZ: Okay. And what we'll end up  
16 doing is, if there's any need for us -- more often than  
17 not, one CEC is nearly identical to all the others,  
18 unless there are some special conditions that we need  
19 to add or specific special findings, and we can wait to  
20 review. I'll take a look at those in advance of the  
21 hearing, but we don't need to discuss those now. When  
22 all of the evidence is in and closing statements or  
23 arguments are made the Committee will review the  
24 proposed CEC paragraph by paragraph, and we just take a  
25 general vote to approve the paragraphs. And then when

1 all is said and done, we'll take a roll call vote to  
2 see whether or not the CEC, as it might be amended  
3 during our deliberations, should be adopted or not.

4 And I would assume that any and all permits  
5 from all state, federal, county, cities, or towns have  
6 been either obtained or applied for, would that be  
7 correct?

8 MS. DRIGGS: That's my understanding,  
9 Mr. Chairman. The conditional use permit was granted  
10 by the City of Avondale.

11 CHMN. KATZ: Okay. And we don't have any  
12 federal funding or federal lands involved, so I'm  
13 assuming we don't need a National Environmental Policy  
14 Act statement, correct?

15 MS. DRIGGS: That's correct.

16 CHMN. KATZ: And I have on my checklist  
17 notebooks for Committee Members. If the Committee  
18 Members have received -- Tod, have we forwarded  
19 everything to the Committee Members or does it appear  
20 that they have the application and the exhibits?

21 MR. BREWER: Mr. Chairman, that's information  
22 that's provided by Docket Control through the  
23 Corporation Commission. So I assume so, but I don't  
24 know.

25 CHMN. KATZ: Okay. But all of that



1 information has been provided by the applicant and  
2 filed in the docket, correct?

3 MS. DRIGGS: Yes.

4 And Mr. Chairman, our plan is to have the  
5 exhibits and the testimony loaded on the tablets. We  
6 also plan to have five copies, and then we'll also have  
7 place mats as is traditional.

8 CHMN. KATZ: Yeah, that would be fine. And  
9 ultimately, if you're going to be projecting exhibits  
10 as we go -- we'll probably have at least a few people  
11 that are appearing virtually on the Committee, so  
12 they'll need to have access to the exhibits either from  
13 e-mail or otherwise or a link to look at them. But if  
14 they get displayed as you go ahead with your  
15 proceeding, they'll have those available.

16 MS. DRIGGS: Yes, that's our understanding.  
17 We're going to have -- we're arranging for a specific  
18 line for the Committee Members to participate.

19 CHMN. KATZ: Okay. That's great.

20 And, Tod, have I failed to cover anything?

21 MR. BREWER: No, Mr. Chairman, I don't  
22 believe so.

23 CHMN. KATZ: And do we need to take a break,  
24 do you think, or should we go right into CEC 210?

25 MS. DRIGGS: On the other CEC we actually

1 have an intervenor who will be joining, the Town of  
2 Gilbert, and so I believe we probably need to wait  
3 until he joins.

4 Just two additional matters on this CEC, if  
5 you don't mind.

6 CHMN. KATZ: Go ahead.

7 MS. DRIGGS: The first one would be the tour,  
8 the site tour.

9 CHMN. KATZ: Oh, right.

10 MS. DRIGGS: We understand that no tour is  
11 planned --

12 CHMN. KATZ: Right.

13 MS. DRIGGS: -- and we just want to make sure  
14 that that's still the case. Just given the timing, we  
15 would prefer not to have a tour, but we defer to your  
16 judgment.

17 CHMN. KATZ: Well, what I'll do is have you  
18 explain why you don't think we need one. And if it's  
19 only a quarter of a mile or less and it's not running  
20 right adjacent to a residential subdivision, I don't  
21 see why we'd need a tour.

22 MS. DRIGGS: Okay. Understood. We also have  
23 a virtual tour that SWCA has prepared.

24 CHMN. KATZ: Right. And that's what is  
25 usually done.

1           And I just want to take a look at something  
2 here.

3           I will essentially urge the Committee that a  
4 tour not be taken. It's up to the Committee to make  
5 that decision, but on a lot of these line siting  
6 matters we haven't been doing tours.

7           That all being said, do we need to hang up  
8 and then reenroll ourselves at 2:00?

9           MS. DRIGGS: I believe so.

10          MR. BREWER: Yes, Mr. Chairman. There's a  
11 separate link for the Superstition project.

12          CHMN. KATZ: Well, anyway, if there's  
13 anything that we forgot to cover, you'll let Tod know  
14 and we can always get back together; but if not, I'll  
15 see you by noon.

16          And I just need to also ask, I'm assuming --  
17 the first day we normally have the applicant expected  
18 to provide lunch and then, throughout the remainder of  
19 the hearing days, breakfast and lunch. The Committee  
20 Members are on their own for dinners.

21          MS. DRIGGS: Yes, we will provide lunch and  
22 snacks both, and breakfast as well, yes.

23          And just one other note on the CECs. The way  
24 they're drafted, we have requested two CECs, one for  
25 the corridor and then one for the substation itself.

1 We also understand that that's a belt and suspenders  
2 approach, with the CEC-2 just covering the substation,  
3 and we defer to the Committee on if you would prefer to  
4 have the two CECs or you feel like the second CEC might  
5 be unnecessary.

6 CHMN. KATZ: Well, it might be unnecessary,  
7 but I think you might -- whether we have it in one CEC  
8 or two, if you're intending to assign one of those CECs  
9 to one of our major --

10 MS. DRIGGS: We are.

11 CHMN. KATZ: -- power companies, either way  
12 works.

13 MS. DRIGGS: Okay. Thank you, Mr. Chairman.

14 CHMN. KATZ: Anything from anybody else?

15 (No response.)

16 CHMN. KATZ: Well, I will hang up now, and  
17 we'll be back on at about 2:00. Thank you all very  
18 much, take care, and we'll see some of you soon, if not  
19 all of you. Bye-bye.

20 (The prehearing conference concluded at  
21 1:25 p.m.)

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

3

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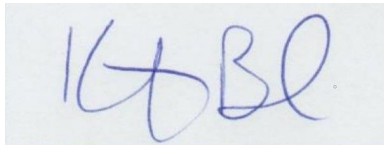
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\_\_\_\_\_  
KATHRYN A. BLACKWELDER  
Certified Reporter  
Certificate No. 50666

15

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18 I CERTIFY that Glennie Reporting Services,  
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