

1 BEFORE THE ARIZONA POWER PLANT AND LS-263

2 TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE ) DOCKET NO.  
 5 APPLICATION OF SUPERSTITION ) L-21209A-22-0255-00210  
 6 ENERGY STORAGE, LLC )  
 7 IN CONFORMANCE WITH THE ) LS CASE NO. 210  
 8 REQUIREMENTS OF ARIZONA )  
 9 REVISED STATUTES, SECTIONS )  
 10 40-360, et. seq., FOR TWO )  
 11 CERTIFICATES OF ENVIRONMENTAL )  
 12 COMPATIBILITY AUTHORIZING THE )  
 13 SUPERSTITION 230-kV )  
 14 GENERATION INTERTIE PROJECT )  
 15 AND ASSOCIATED SUBSTATION )  
 16 WITHIN THE TOWN OF GILBERT, )  
 17 ARIZONA, LOCATED WITHIN )  
 18 MARICOPA COUNTY, ARIZONA ) EVIDENTIARY HEARING  
 19 )  
 20 )

13 At: Tempe, Arizona

14 Date: November 10, 2022

15 Filed: November 16, 2022

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 VOLUME II  
 19 (Pages 108 through 142)

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22

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25

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 10th of November, 2022.

7  
8 BEFORE: PAUL A. KATZ, Chairman

9 LEONARD DRAGO, Department of Environmental Quality  
10 DAVID FRENCH, Arizona Department of Water Resources  
11 JAMES PALMER, Agriculture Interests  
12 RICK GRINNELL, Counties (via videoconference)  
13 MARGARET "TOBY" LITTLE, PE, General Public  
14 (via videoconference)

15  
16 APPEARANCES:

17 For the Applicant:

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

23 For Intervenor Town of Gilbert:

24 CROCKETT LAW GROUP, PLLC  
25 Mr. Jeffrey Crockett  
2198 East Camelback Road, Suite 305  
Phoenix, Arizona 85016

1 CHMN. KATZ: Good morning, everyone. This is  
2 the final day of our hearing in CEC 210, the  
3 Superstition -- the Plus Power Superstition Project.  
4 And we're going to momentarily place on our left screen  
5 the PDF version of CEC 210-1, that will be Chair  
6 Exhibit 1. And Chair Exhibit Number 2 will be the Word  
7 version that we will work from. Again, that's for CEC  
8 210-1.

9 We'll then review the second CEC, which will  
10 be CEC 210-2, and those will be Chair Exhibits 3 and 4  
11 respectively.

12 And I received a call from Mary Hamway this  
13 morning. She can join us, but she has some other  
14 obligations.

15 If both Jack -- excuse me. And Jack is still  
16 in the hospital. His wife is here in town and is going  
17 to spend one more night here in the hotel. Jack still  
18 was experiencing vertigo, but everything else checks  
19 out all right, so hopefully he'll get released in the  
20 next day or so.

21 And if we have both Rick present and we have  
22 Toby present, with the four of us here we have six,  
23 which is a quorum, we can go ahead and process this.  
24 Mary had other obligations, but she could drop them and  
25 join us, but I'm not going to compel her to do so

1 unless someone feels we need to.

2 But I just want to verify, we do have both  
3 Rick Grinnell and Toby Little appearing virtually, is  
4 that correct?

5 MEMBER LITTLE: I am here.

6 CHMN. KATZ: Okay. That was Member Little.  
7 And Rick, I see Rick as well.

8 And we're going to follow the same process  
9 with this as we did the prior one. So there will be  
10 one CEC for the transmission line and one CEC for the  
11 substation, which may or may not get assigned.

12 So that all being said, I think we're ready  
13 to begin. On the left screen is Chair Exhibit Number  
14 1, and we're not going to work off of that. But let's  
15 take a look now at the right screen, which is the Chair  
16 Exhibit Number 2, and let's take a look at the  
17 introduction. The caption is correct, because it shows  
18 that it's CEC 210-1. And let's take a look at the  
19 introduction, which is the standard language we almost  
20 always use.

21 And we'll scroll down and take a look at the  
22 names of those who are in attendance on Page 2. Zach  
23 Branum is not present, he's no longer on the Committee,  
24 so we'll eliminate him. Leonard Drago is here. David  
25 French is here. Mary Hamway attended part of this

1 hearing, so we can keep her listed. Rick Grinnell is  
2 here and Jim Palmer is here. Jack Haenichen will be  
3 removed, because unfortunately he is ill. And Karl  
4 Gentles was not present either. And those are the  
5 individuals that have all participated. It was a  
6 standard introduction.

7 And let's go now to Line 10 on Page 2. And  
8 Lines 10 through 13 just indicates that the applicant  
9 was represented by Chris Thomas and Andrea Driggs and  
10 the Town of Gilbert was represented by Jeffrey W.  
11 Crockett.

12 And if we can, we can approve the  
13 introduction on Page 1 through Page 2, Line 13. We're  
14 not going to go Lines 15 through 19, which will be our  
15 final vote. So do we have a -- if you need me to  
16 scroll back, let me know. If not, I'll entertain a  
17 motion, again, to approve the introduction on Page 1  
18 through Page 2.

19 MEMBER DRAGO: Motion to approve the  
20 introduction.

21 MEMBER FRENCH: Mr. Chairman, I believe  
22 Ms. Little was trying to make a comment.

23 CHMN. KATZ: Member Little, did you have a  
24 comment? You're muted.

25 (No response.)

1 CHMN. KATZ: Okay. I guess she doesn't have  
2 a comment.

3 I think we have a motion and we need a  
4 second.

5 MEMBER FRENCH: 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: We next can go on to the project  
13 overview, which begins on Page 2, Line 20 and  
14 progresses onto Page 3. We'll keep it -- scroll back  
15 up for just a moment so we can see the bottom -- or,  
16 the beginning of project overview. And we can leave it  
17 as is for just a minute or so so everybody can read it.  
18 And I think we can scroll down.

19 And this particular CEC, Counsel, is for the  
20 substation, is that correct, or is it for the power  
21 line?

22 MS. DRIGGS: The CEC-1 for both projects is  
23 actually for the power line.

24 CHMN. KATZ: Okay.

25 MS. DRIGGS: The CEC-2 is for the substation.



1 CHMN. KATZ: That's what I recall from  
2 before, I just want to make sure. Is this one possibly  
3 going to be transferred or is it the other one?

4 MS. DRIGGS: Yeah. So it's actually not the  
5 substation that would be transferred; it would be the  
6 line itself. So it's the CEC-1 in both projects, and  
7 correct me if I'm wrong, that would be transferred.

8 CHMN. KATZ: Understood. And through Line 10  
9 just describes it, and then we're going to -- I believe  
10 that the applicant has presented us with a legal  
11 description, supposedly at their own risk, but I'm  
12 definitely sure that they wouldn't put a wrong legal in  
13 there. And we have no way of confirming that, but,  
14 Counsel, you believe this is a correct legal  
15 description, correct?

16 MS. DRIGGS: I do. And we have an  
17 accompanying map as well.

18 CHMN. KATZ: Okay. And let's stop there.  
19 And there will be a map of the project attached as  
20 Exhibit A, and we almost always have a map attached.

21 Is there any motion to approve the  
22 description of the project?

23 MEMBER PALMER: Mr. Chairman, I would make a  
24 motion to approve this portion.

25 MEMBER GRINNELL: Price of gas and everything

1 else going on.

2 CHMN. KATZ: What was that?

3 MEMBER GRINNELL: Good morning, Ms. Toby.

4 MEMBER LITTLE: Good morning.

5 CHMN. KATZ: Anyway, we do have a motion to  
6 approve the project description and legal description.

7 Is there a second?

8 MEMBER FRENCH: Second.

9 CHMN. KATZ: Any discussion?

10 (No response.)

11 CHMN. KATZ: All in favor.

12 (A chorus of ayes.)

13 CHMN. KATZ: Is there anybody opposed?

14 (No response.)

15 CHMN. KATZ: The description is approved.

16 And now we'll go to the conditions one at a  
17 time. And they are identical to the ones from CEC 208,  
18 but I think we need to make a good record to make sure  
19 that we are approving it this time around. CEC-2 will  
20 have one modified condition, 16, but will also be the  
21 same. We won't go, on the second CEC, 210-2, through  
22 each paragraph like we are right now.

23 MEMBER GRINNELL: Mr. Chairman.

24 CHMN. KATZ: Yes, sir.

25 MEMBER GRINNELL: I don't believe Ms. Little

1 and myself were able to hear the first part of this. I  
2 think we just got the conditions.

3 CHMN. KATZ: Okay. Do you need to reread  
4 everything?

5 MEMBER GRINNELL: Well, I think you need us  
6 to vote on it.

7 CHMN. KATZ: Okay. But I want to make sure  
8 that you understand it. Do you want us to scroll back  
9 and have you look at it, or were you able to read it  
10 but not able to hear us?

11 MEMBER GRINNELL: We couldn't see or hear  
12 anything until you got to the conditions, so we  
13 actually weren't able to vote on anything. And that's  
14 just a formality because --

15 CHMN. KATZ: We can correct it. I'm not  
16 going to have those who have already voted vote once  
17 again. But we have the introduction, which is the  
18 standard introduction, on Page 1. And we go down --  
19 scroll slowly so they can see all of the names -- and  
20 these are all people that participated. Mary is not  
21 here today; she has other family obligations. She  
22 could call in if necessary, but we have six of us here.  
23 And through Line 13 it gives us who the attorneys are,  
24 Mr. Thomas and Ms. Driggs and Mr. Crockett.

25 If you need some time, I just would ask you

1 if you, Member Little and Mr. Grinnell, approve of this  
2 introduction. And if you need more time, let me know,  
3 but how would you vote on this one? There was a  
4 motion, a second, and everybody in the room voted aye.

5 MEMBER LITTLE: Aye.

6 MEMBER GRINNELL: Aye.

7 CHMN. KATZ: Thank you very much. We'll skip  
8 now to the project overview. And just go up one more  
9 line -- or, down, excuse me, so they can read the  
10 starting portion on Page -- okay.

11 MEMBER GRINNELL: You can scroll up --

12 CHMN. KATZ: Scroll down.

13 MEMBER GRINNELL: -- please.

14 CHMN. KATZ: And this is the CEC to approve  
15 the power line, the transmission line. And the legal  
16 description was provided by counsel, and they avowed  
17 that it is correct and a map will be attached. And if  
18 you need more time, let me know. But again, there was  
19 a motion, a second, and everybody in the room voted  
20 aye.

21 MEMBER LITTLE: I vote aye.

22 MEMBER GRINNELL: I vote aye.

23 CHMN. KATZ: Thank you very much.

24 And now we were just getting to the  
25 conditions and we haven't started any of that without

1 you two.

2 Let's take a look at Condition Number 1. And  
3 these are identical to the conditions that were in CEC  
4 Case 208, but I think, for the benefit of the public  
5 and the Commission, we need to review each of these  
6 conditions on this first CEC 210-1.

7 MEMBER PALMER: I move approval of  
8 Condition 1.

9 MEMBER FRENCH: Second.

10 CHMN. KATZ: Discussion?

11 (No response.)

12 CHMN. KATZ: All in favor.

13 (A chorus of ayes.)

14 CHMN. KATZ: Anybody opposed?

15 (No response.)

16 CHMN. KATZ: We'll take a look at Condition  
17 Number 2. And if we have a motion, whenever you're  
18 ready.

19 MEMBER LITTLE: I move Condition Number 2.

20 CHMN. KATZ: Any second?

21 MEMBER DRAGO: Second.

22 CHMN. KATZ: All in favor.

23 (A chorus of ayes.)

24 CHMN. KATZ: Anyone opposed?

25 (No response.)

1 CHMN. KATZ: Rick, were you able to hear us?

2 MEMBER GRINNELL: Yes, sir.

3 CHMN. KATZ: Okay. And you approved that  
4 Condition 2?

5 MEMBER GRINNELL: Oh, yeah. I'm sorry.  
6 Yeah.

7 CHMN. KATZ: That's final.

8 We now have Condition Number 3, which is  
9 Lines 1 through 13. It might go beyond that, but let's  
10 start here. And we can scroll down a few lines.  
11 That's the entire Condition 3.

12 MEMBER FRENCH: I'll move Condition 3.

13 MEMBER PALMER: Second.

14 CHMN. KATZ: All in favor.

15 (A chorus of ayes.)

16 CHMN. KATZ: Anyone opposed?

17 (No response.)

18 CHMN. KATZ: And I'm not going to ask for  
19 discussion. But if I call for the vote and you have  
20 questions or want to discuss, just admonish me and we  
21 will take your comments.

22 Condition Number 4 regarding approval of  
23 permits.

24 MEMBER PALMER: I move Condition Number 4.

25 MEMBER FRENCH: Second.

1 MEMBER GRINNELL: Second.

2 CHMN. KATZ: All in favor.

3 (A chorus of ayes.)

4 CHMN. KATZ: Anybody opposed?

5 (No response.)

6 CHMN. KATZ: No one is opposed.

7 We'll take a look at Condition 6.

8 MEMBER PALMER: 5.

9 CHMN. KATZ: Oh, Condition 5. Excuse me.

10 This is compliance with Game and Fish.

11 MEMBER GRINNELL: Move Condition 5.

12 MEMBER DRAGO: Second.

13 CHMN. KATZ: All in favor.

14 (A chorus of ayes.)

15 CHMN. KATZ: Anyone opposed?

16 (No response.)

17 CHMN. KATZ: Condition Number 6, which begins

18 on Page 5, Line 22 and a half, so to speak, and goes

19 onto Page Number 6. And we can scroll down now a

20 little bit to the end of that. Okay.

21 MEMBER GRINNELL: I move Condition 6.

22 MEMBER PALMER: Second.

23 CHMN. KATZ: All in favor.

24 (A chorus of ayes.)

25 CHMN. KATZ: Anyone opposed?

1 (No response.)

2 CHMN. KATZ: Condition Number 7, consultation  
3 with SHPO.

4 MEMBER GRINNELL: Move Condition 7.

5 MEMBER PALMER: Second.

6 CHMN. KATZ: All in favor.

7 (A chorus of ayes.)

8 CHMN. KATZ: Anyone opposed?

9 (No response.)

10 CHMN. KATZ: Condition Number 8.

11 MEMBER LITTLE: Move Condition Number 8.

12 MEMBER DRAGO: Second.

13 MEMBER GRINNELL: Second.

14 CHMN. KATZ: All in favor.

15 (A chorus of ayes.)

16 CHMN. KATZ: Condition Number 9.

17 MEMBER GRINNELL: Mr. Chairman, I can't see  
18 Condition 9.

19 Can you see this, Toby?

20 MEMBER LITTLE: When you're not speaking I  
21 can.

22 CHMN. KATZ: Can you see it now?

23 Mr. Grinnell, can you see it?

24 MEMBER GRINNELL: Yes, thank you.

25 CHMN. KATZ: And it goes onto Page 7.



1 MEMBER PALMER: I move Condition 9.  
2 MEMBER FRENCH: Second.  
3 CHMN. KATZ: All in favor.  
4 (A chorus of ayes.)  
5 CHMN. KATZ: Anyone opposed? Anybody  
6 opposed?  
7 (No response.)  
8 CHMN. KATZ: Going to Condition 10.  
9 MEMBER DRAGO: I move Condition 10.  
10 MEMBER FRENCH: Second.  
11 CHMN. KATZ: All in favor.  
12 (A chorus of ayes.)  
13 CHMN. KATZ: Condition Number 11.  
14 MEMBER GRINNELL: Moving Condition Number 11.  
15 CHMN. KATZ: Is there a second?  
16 MEMBER PALMER: Second.  
17 CHMN. KATZ: All in favor.  
18 (A chorus of ayes.)  
19 CHMN. KATZ: Anyone opposed?  
20 (No response.)  
21 CHMN. KATZ: Now Condition Number 12. And I  
22 think we can scroll down to the end of Condition 12.  
23 MEMBER GRINNELL: Move Condition 12.  
24 CHMN. KATZ: Is there a second?  
25 MEMBER PALMER: Second.

1 CHMN. KATZ: All in favor.  
2 (A chorus of ayes.)  
3 CHMN. KATZ: Condition Number 13.  
4 MEMBER PALMER: I move Condition 13.  
5 MEMBER FRENCH: Second.  
6 CHMN. KATZ: All in favor.  
7 (A chorus of ayes.)  
8 CHMN. KATZ: Anyone opposed?  
9 (No response.)  
10 CHMN. KATZ: Condition Number 14.  
11 MEMBER GRINNELL: So moved.  
12 MEMBER DRAGO: Second.  
13 CHMN. KATZ: All in favor.  
14 (A chorus of ayes.)  
15 CHMN. KATZ: Thank you. Condition Number 15.  
16 MEMBER LITTLE: I move Condition 15.  
17 MEMBER GRINNELL: Second.  
18 CHMN. KATZ: All in favor.  
19 (A chorus of ayes.)  
20 CHMN. KATZ: Is there anyone opposed?  
21 (No response.)  
22 CHMN. KATZ: Condition Number 16.  
23 MEMBER PALMER: I move Condition 16.  
24 MEMBER FRENCH: Second.  
25 MEMBER GRINNELL: Second.

1 CHMN. KATZ: All in favor.

2 (A chorus of ayes.)

3 CHMN. KATZ: Is there anyone opposed?

4 (No response.)

5 CHMN. KATZ: Condition Number 17, which deals  
6 with existing natural gas or other hazardous pipelines.

7 And we can probably scroll to the top of Page 9. And  
8 we can probably scroll down.

9 MEMBER PALMER: I move Condition 17.

10 MEMBER FRENCH: Second.

11 CHMN. KATZ: All in favor.

12 (A chorus of ayes.)

13 CHMN. KATZ: Any opposition?

14 (No response.)

15 CHMN. KATZ: Condition Number 18.

16 MEMBER GRINNELL: So moved.

17 CHMN. KATZ: Is there a second?

18 MEMBER PALMER: Second.

19 MEMBER LITTLE: Second.

20 CHMN. KATZ: All in favor.

21 (A chorus of ayes.)

22 CHMN. KATZ: Any opposition?

23 (No response.)

24 CHMN. KATZ: We can go now to Condition  
25 Number 19.

1 MEMBER LITTLE: Move Condition 19.  
2 MEMBER GRINNELL: Second.  
3 CHMN. KATZ: All in favor.  
4 (A chorus of ayes.)  
5 CHMN. KATZ: Condition Number 20.  
6 MEMBER LITTLE: Move Condition Number 20.  
7 MEMBER PALMER: Second.  
8 CHMN. KATZ: All in favor.  
9 (A chorus of ayes.)  
10 CHMN. KATZ: Now Condition Number 21.  
11 MEMBER GRINNELL: So moved.  
12 MEMBER DRAGO: Second.  
13 CHMN. KATZ: All in favor.  
14 (A chorus of ayes.)  
15 CHMN. KATZ: Anyone opposed?  
16 (No response.)  
17 CHMN. KATZ: Our final, Condition Number 22.  
18 MEMBER GRINNELL: So moved.  
19 CHMN. KATZ: Is there a second?  
20 MEMBER PALMER: Second.  
21 CHMN. KATZ: All in favor.  
22 (A chorus of ayes.)  
23 CHMN. KATZ: Anyone opposed?  
24 (No response.)  
25 CHMN. KATZ: Conditions 1 through 22 have

1 been unanimously approved.

2 And we'll now go to our findings of fact and  
3 conclusions of law, that we may end up calling  
4 "findings" or "conclusions," but we have a handful of  
5 those to take a look at. Finding of Fact and  
6 Conclusions of Law Number 1.

7 MEMBER PALMER: Mr. Chairman, I move Finding  
8 of Fact and Conclusion of Law Number 1.

9 MEMBER FRENCH: Second.

10 CHMN. KATZ: All in favor.

11 (A chorus of ayes.)

12 CHMN. KATZ: Number 2.

13 MEMBER GRINNELL: So moved.

14 MEMBER PALMER: Second.

15 CHMN. KATZ: All in favor.

16 (A chorus of ayes.)

17 CHMN. KATZ: Number 3.

18 MEMBER FRENCH: Move Finding 3.

19 MEMBER PALMER: Second.

20 CHMN. KATZ: All in favor.

21 (A chorus of ayes.)

22 CHMN. KATZ: Anyone opposed?

23 (No response.)

24 CHMN. KATZ: Number 4.

25 MEMBER LITTLE: I move Finding of Fact

1 Number 4.

2 MEMBER GRINNELL: Second.

3 CHMN. KATZ: All in favor.

4 (A chorus of ayes.)

5 CHMN. KATZ: Any opposition?

6 (No response.)

7 CHMN. KATZ: Number 5.

8 MEMBER GRINNELL: So moved.

9 MEMBER DRAGO: Second.

10 CHMN. KATZ: All in favor.

11 (A chorus of ayes.)

12 CHMN. KATZ: And Condition -- not Condition,  
13 but Finding or Conclusion Number 6.

14 MEMBER PALMER: I move Finding 6.

15 MEMBER FRENCH: Second.

16 CHMN. KATZ: All in favor.

17 (A chorus of ayes.)

18 CHMN. KATZ: Findings of Fact and Conclusions  
19 of Law 1 through 6 have been unanimously approved.

20 We need to go back up and take a roll call  
21 vote of all of those six of us who are present here  
22 today, and I'll start with my -- on my left, Mr. Drago.

23 MEMBER DRAGO: I vote aye.

24 MEMBER FRENCH: David French. I vote aye.

25 MEMBER PALMER: Jim Palmer. I vote aye.

1 CHMN. KATZ: And we will go to Member Little.

2 MEMBER LITTLE: I would like to first thank  
3 the applicant, particularly for providing us with  
4 education on the safety of battery systems, which I  
5 know is forefront in many people's minds. And with  
6 that, I vote aye. Thank you.

7 CHMN. KATZ: And Member Grinnell.

8 MEMBER GRINNELL: Aye.

9 CHMN. KATZ: The vote is six to nothing to  
10 grant this one. And we can wait until after we look at  
11 CEC 210-2 to have a motion on scrivener's and  
12 grammatical error correction. But I think we're done  
13 and this CEC 210-1 has been approved unanimously by the  
14 Members of the Committee who are present here today.  
15 We can go to the second -- and again, on my left is  
16 Chair Exhibit 1, on my right is Chair Exhibit Number 2,  
17 and that will get sent over to Tod and we'll reduce it  
18 to a PDF. I'll review it with him and make sure there  
19 aren't any scrivener's errors, and I will then sign it  
20 and we will send it back to the applicant.

21 MS. DRIGGS: Thank you.

22 CHMN. KATZ: But we can go now to the second  
23 CEC. They're already up there, huh? Okay.

24 Let me just ask, Counsel, are all of the  
25 conditions of CEC 210-2 the same conditions as exist in

1 CEC 210-1?

2 MS. DRIGGS: Yes, there are.

3 CHMN. KATZ: Was there any change of  
4 Paragraph 16?

5 MS. DRIGGS: I haven't made that change yet.  
6 We can make that.

7 CHMN. KATZ: And that would be made in this  
8 one, correct?

9 MS. DRIGGS: Yes.

10 CHMN. KATZ: And we'll take a look at that.  
11 Unless the Committee wants us to go through each one of  
12 these --

13 MS. DRIGGS: I need to delete --

14 CHMN. KATZ: Right. We need Jack.

15 MEMBER PALMER: And Karl.

16 CHMN. KATZ: And Karl is not here. Zach is  
17 not here.

18 MS. DRIGGS: And then who else did I need,  
19 Karl.

20 MEMBER PALMER: Karl Gentles.

21 CHMN. KATZ: Karl is gone.

22 MS. DRIGGS: Is the list correct?

23 CHMN. KATZ: That's correct.

24 MEMBER PALMER: Yes.

25 CHMN. KATZ: The document reflects the same



1 members present as CEC 210-1. And I think we can just  
2 move on now to Condition Number 16, that's the one that  
3 gets altered or amended, but all the others remain the  
4 same?

5 MEMBER PALMER: Are the legal descriptions  
6 the same?

7 CHMN. KATZ: Oh, that's the other thing.

8 MS. DRIGGS: No, they're different. That's  
9 correct.

10 CHMN. KATZ: Let's take a look at the project  
11 description and I'll have us take a vote on that.

12 MS. DRIGGS: Did you need to vote on the  
13 introduction as well?

14 CHMN. KATZ: Is it different than the other  
15 one?

16 MS. DRIGGS: No, I think it's identical.

17 CHMN. KATZ: I think it's identical. But  
18 let's take a look at the project description. Some of  
19 it is the same, the project overview, but some of it's  
20 slightly different.

21 MS. DRIGGS: Everything should be the same up  
22 to the actual --

23 CHMN. KATZ: Legal description.

24 MS. DRIGGS: The legal description, correct.

25 MEMBER PALMER: Chairman, I would move

1 approval of the project overview.

2 MEMBER FRENCH: Second.

3 CHMN. KATZ: All in favor.

4 (A chorus of ayes.)

5 CHMN. KATZ: Anyone opposed?

6 (No response.)

7 CHMN. KATZ: We'll now go to -- and  
8 Conditions 1 through 22 are identical to CEC 210-1, but  
9 we're going to modify Condition Number 16 to reflect a  
10 slight difference.

11 MS. DRIGGS: And I think we said "to the  
12 extent applicable"?

13 MR. THOMAS: Or "as may be necessary."

14 MS. DRIGGS: As may be necessary.

15 CHMN. KATZ: And we've added, "as may be  
16 necessary, the applicant shall participate in good  
17 faith in state and regional transmission study forums  
18 to coordinate transmission expansion plans related to  
19 the project and resolve transmission constraints in a  
20 timely manner." And this is --

21 MEMBER LITTLE: Mr. Chair.

22 CHMN. KATZ: Yes.

23 MEMBER LITTLE: You probably were going to  
24 answer my question before I asked it, but --

25 CHMN. KATZ: Go ahead.

1 MEMBER LITTLE: -- I'm just wondering why  
2 this is, since I was not present at the last hearing.

3 CHMN. KATZ: I'll have counsel explain.

4 MS. DRIGGS: Sure. So for both projects  
5 there are two CECs, one is applicable to the actual  
6 transmission line itself and the other is applicable to  
7 the substation. And the reason that that was done is,  
8 the transmission line, the CEC-1, will be  
9 transferred -- the intention is to transfer that to  
10 SRP, and then the project applicant will retain title  
11 to CEC-2. And so that's the necessary -- that's why we  
12 need to split them into two pieces.

13 MEMBER LITTLE: I see.

14 CHMN. KATZ: And the substation might not be  
15 required to participate in state and regional  
16 transmission study forums, they may or may not be.

17 MS. DRIGGS: Exactly. Exactly.

18 CHMN. KATZ: So that was the only reason that  
19 -- we're not going to mandate that they participate,  
20 unless it's necessary, with respect to the substation.

21 MS. DRIGGS: Correct.

22 CHMN. KATZ: Do we have any motion to approve  
23 the --

24 MEMBER PALMER: I would move Condition 16 as  
25 amended.

1 MEMBER FRENCH: Second.

2 CHMN. KATZ: All in favor.

3 (A chorus of ayes.)

4 MEMBER LITTLE: I abstain.

5 CHMN. KATZ: You abstain?

6 MEMBER LITTLE: Yes.

7 CHMN. KATZ: Okay. That's fine.

8 And all of the other conditions are the same.

9 Maybe we'll have a motion to approve Conditions 1  
10 through 22, just to be on the safe side.

11 MEMBER GRINNELL: Mr. Chairman.

12 CHMN. KATZ: Yes, sir.

13 MEMBER GRINNELL: Just for point of clarity I  
14 think we should vote on 1 through 15, we've already  
15 voted on 16, and then 17 through 22.

16 CHMN. KATZ: That's fine. We can have a  
17 motion to vote 1 through 15 and 17 through 22.

18 MEMBER GRINNELL: I move Conditions 1 through  
19 15.

20 MEMBER PALMER: Second.

21 CHMN. KATZ: All in favor.

22 (A chorus of ayes.)

23 CHMN. KATZ: Any opposition?

24 (No response.)

25 CHMN. KATZ: Condition 17 through 22.

1 MEMBER GRINNELL: So moved.

2 CHMN. KATZ: Is there a second?

3 MEMBER PALMER: Second.

4 MEMBER LITTLE: Second.

5 CHMN. KATZ: Okay. All in favor.

6 (A chorus of ayes.)

7 CHMN. KATZ: Anyone opposed?

8 (No response.)

9 CHMN. KATZ: We now will go to the Findings  
10 of Fact and Conclusions of Law 1 through 6.

11 MEMBER LITTLE: I move Findings of Fact and  
12 conditions of -- and Conclusions of Law 1 through 6.

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: Anyone opposed?

19 (No response.)

20 CHMN. KATZ: We then will go up to -- back to  
21 Page 1 for the roll call vote on CEC 210-2. Mr. Drago.

22 MEMBER DRAGO: I vote aye.

23 MEMBER FRENCH: David French. I vote aye.

24 MEMBER PALMER: Jim Palmer. I vote aye. And  
25 I would like to add my thanks to the applicant, to the

1 attorneys, the witnesses on a very well-presented case.

2 And I want to express a personal thanks. I  
3 went to the applicant this morning and asked for a  
4 favor for Mr. Haenichen, and they were most gracious in  
5 granting, to allow his wife, who got into town  
6 yesterday, to continue to stay in his room for a couple  
7 of extra days, and I want to thank them for that  
8 kindness. And when I told Chris, she was very, very  
9 appreciative.

10 I will report that I spoke with Jack this  
11 morning. He's been admitted to the hospital, the  
12 condition persists, but he is in good spirits and  
13 convinced they will figure this out.

14 CHMN. KATZ: And Member Little.

15 MEMBER LITTLE: I vote aye.

16 CHMN. KATZ: Member Grinnell.

17 MEMBER GRINNELL: I'd like to just comment on  
18 a couple things. First of all, thanks to everybody for  
19 their involvement. I really did appreciate the  
20 gentleman from New York for the fire prevention  
21 testimony. I think that is going to help this  
22 Committee, down the road, understand the value of and  
23 the importance of the jurisdictions around these  
24 facilities, how they need to be up to date. We have no  
25 authority over that, but we do have the right and

1 responsibility to ensure that we're connecting to a  
2 very safe environment on both sides of the issue.

3           And second, probably a little more important  
4 for me, tomorrow is Veterans Day, and I would just like  
5 to tell my brothers and sisters and all those that  
6 served thank you. We had an election the other day  
7 and, despite some of the insanity of our local  
8 politics, we're still the greatest place in the world.  
9 And thanks to those veterans and my brothers and  
10 sisters for everything you've done.

11           With that, I vote aye.

12           CHMN. KATZ: And I don't know that I voted on  
13 CEC 210-1, but I vote aye for CEC-1 and 2, and the  
14 votes on each of them were six to nothing in favor of  
15 approving both CEC 210-1 and CEC 210-2.

16           I also want to thank Counsel for their  
17 diligence and cooperation. I want to thank all of the  
18 witnesses and the applicant for giving us a quality  
19 presentation. And I would echo what Member Grinnell  
20 indicated, that even though we don't have jurisdiction  
21 over the battery plants themselves, we have to make  
22 sure that any connection of any power plant will safely  
23 and reliably improve electrical transmission to the  
24 citizens of this state. So it's important for us to  
25 understand that, particularly after that accident that

1 occurred a few years back in Surprise, so we all  
2 appreciate that.

3 I wish all of you a very happy and healthy  
4 Thanksgiving. And some of you I may see next week,  
5 maybe our IT crew, I'm not sure.

6 MEMBER PALMER: Chairman.

7 CHMN. KATZ: Yes.

8 MEMBER PALMER: Would you like a motion to  
9 authorize you to make minor corrections and correct  
10 scrivener's errors?

11 CHMN. KATZ: For sure. I don't want to  
12 act -- I don't want to act without authority.

13 MEMBER PALMER: I so move.

14 MEMBER FRENCH: Second.

15 CHMN. KATZ: All in favor.

16 (A chorus of ayes.)

17 CHMN. KATZ: Anyone opposed?

18 (No response.)

19 CHMN. KATZ: I will -- Tod and I will sit  
20 down and make any necessary grammatical or  
21 typographical errors or scrivener error corrections.  
22 We won't make errors; we'll make corrections to those  
23 errors.

24 MEMBER LITTLE: Mr. Chairman.

25 CHMN. KATZ: Yes.



1           MEMBER LITTLE: I would like to put in a  
2 request that perhaps, through Tod, you keep us apprized  
3 of Mr. Haenichen's condition, how he's doing, please.

4           CHMN. KATZ: I will absolutely do that. Jim  
5 and I will both let -- as we hear things, let all of  
6 you know how Jack is doing. Just wish him a healthy,  
7 happy, and speedy recovery and hope that it's nothing  
8 serious.

9           MEMBER LITTLE: Give him my best, please.

10          CHMN. KATZ: Right. And one other thing I  
11 would point out, next week's hearing probably isn't  
12 going to be any longer than the last couple except for  
13 one thing. It's a fairly expansive project on the west  
14 side that comes near some residential neighborhoods.  
15 And we're going to have a tour probably Tuesday morning  
16 at 9:00 or 9:30 in the morning, and I would encourage  
17 as many folks as possible to attend in person. If not,  
18 you're fine to attend virtually, but you'll miss the  
19 tour, but there will be a virtual tour as well. And if  
20 necessary, those of us who have been on the tour who  
21 have any concerns, positive or negative, can share  
22 those with those of you who are unable to attend in  
23 person.

24           And then we have one more hearing after that  
25 on December the 5th. I think that that one is in

1 Goodyear. And I don't think we'll be taking a tour on  
2 that one, but I haven't held the prehearing conference  
3 so I'm not certain.

4           Anyway, I will see hopefully most of you next  
5 week, so I won't wish you a happy Thanksgiving yet.  
6 But if you miss us next week, have a healthy and happy  
7 one. And I would encourage as many people to  
8 participate as possible, because we don't know how Jack  
9 will be doing, but I'm hoping he's able to be back with  
10 us. Although, as brilliant as he is, he doesn't like  
11 to attend things virtually, so I don't know whether  
12 he'll be with us.

13           Anyway, enough said. Drive safely, get back  
14 to work, or relax, and we do stand in recess. Thank  
15 you all.

16           (The hearing concluded at 9:45 a.m.)

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

3

4 BE IT KNOWN that the foregoing proceedings  
 were taken before me; that the foregoing pages are a  
 full, true, and accurate record of the proceedings all  
5 done to the best of my skill and ability; that the  
 proceedings were taken down by me in shorthand and  
6 thereafter reduced to print under my direction.

7

8 I CERTIFY that I am in no way related to any  
 of the parties hereto nor am I in any way interested in  
 the outcome hereof.

9

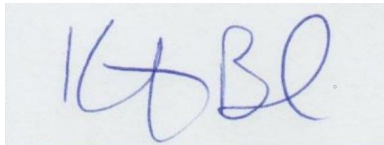
10 I CERTIFY that I have complied with the  
 ethical obligations set forth in ACJA 7-206(F)(3) and  
 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,  
 Arizona, this 14th day of November, 2022.

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15

KATHRYN A. BLACKWELDER  
Certified Reporter  
Certificate No. 50666

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