

1 BEFORE THE ARIZONA POWER PLANT LS-249

2 AND TRANSMISSION LINE SITING COMMITTEE

3

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

13 At: Phoenix, Arizona

14 Date: September 16, 2022

15 Filed: October 5, 2022

16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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25 By: Jennifer Honn, RPR
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INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED
1	Project Map	7
2	Project Map with proposed Sign locations marked	8

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 1:20 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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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: And Jennifer, our court reporter,
2 is present as before.

3 A lot of what I'm going to ask is redundant from
4 what we've just gone through.

5 But do we have -- on this second line, how long
6 of a line is this one? The other one was only 450 feet.
7 How long is this one?

8 MS. MARTON: About 300 or 400.

9 Dean, you can correct me.

10 MR. HAZLE: It's 440 feet. Yep.

11 CHMN. KATZ: Yep, I think it's crazy that we
12 have to have these hearings. Honestly do. But I have no
13 choice because I don't know if either of the -- I have
14 one where the properties, and this one or the other might
15 be it, where the SRP substation is right next door to
16 where the lines terminate.

17 MS. MARTON: This is both of these projects,
18 Mr. Chairman. And this one we're actually using an
19 existing SRP pole in their substation to connect. So
20 there'll just be a new substation with an existing pole
21 in Corbell Substation.

22 CHMN. KATZ: Right. And one of the Committee
23 members and myself did meet with Chairwoman Márquez
24 Peterson to just say how ridiculous it is that we have to
25 have expensive hearings. And I know that the audio/video

1 company usually demands three days at about 30- to
2 \$36,000; there are hotel and meal expenses. And there
3 should be a simpler way of doing these.

4 When I got conned in -- and I say that somewhat
5 jokingly -- into taking over from Tom Chenal a year ago,
6 I was told that there were three of four of these
7 hearings a year. I think I've done about 13, maybe more,
8 since last September because we have two hearings set --
9 at least two hearings each month. And most of them go
10 two to three days.

11 But with all the solar facilities, everybody
12 needs to get hooked into the grid. But solar, for better
13 or worse, and I won't tell you which way we ought to go,
14 it's not regulated. So these are checker-boarded all
15 over the state, and sometimes there are people applying
16 just for purposes of blocking access to somebody that
17 maybe already has a CEC. So there's a lot of
18 gamesmanship going on.

19 But anyway, that all being said, I'm hoping that
20 we can come up with some methodology. And what you may
21 want to do, and you may also want to -- counsel may also
22 want to confer with the power companies. Because I'd
23 like to see us come up with a procedure that is more
24 streamlined for CEC or lines that are in primarily rural
25 areas, no residential development involved, and under a

1 certain length. Like if they're less than a mile in
2 length, maybe we have no hearing. Enough said on that.

3 Do we have, on this matter, any possible
4 intervenors?

5 MS. DRIGGS: No, I'm not aware of any, Your
6 Honor.

7 CHMN. KATZ: And has there been any significant
8 public interest expressed so far?

9 MS. DRIGGS: Also, similar to the other project,
10 no.

11 CHMN. KATZ: And who are our interested
12 jurisdictions or parties in this particular case?

13 MS. DRIGGS: Let me pull this up. So for
14 Superstition, we have the Town --

15 CHMN. KATZ: Just for the record, this is Power
16 Plus Superstition Project which will probably be CEC 209
17 if it's filed after the Sierra Estrella Project.

18 But go ahead.

19 MS. DRIGGS: Yes. For Plus Power, the affected
20 jurisdictions are Town of Gilbert, City of Mesa, and the
21 City of Chandler.

22 CHMN. KATZ: And the county, none of the county
23 agencies are involved; correct?

24 MS. DRIGGS: Not in this one, Your Honor.

25 CHMN. KATZ: And, again, if we have a map of

1 this project, just like the other one, if you could send
2 a copy of that to Tod Brewer our paralegal and a copy to
3 the court reporter, we'll treat that as Hearing Exhibit
4 No. 1.

5 MS. DRIGGS: Thank you, Your Honor. I'll do
6 that.

7 CHMN. KATZ: Okay. And you'll get us a draft
8 notice of hearing; correct?

9 MS. DRIGGS: Correct. I have it in front of me.
10 I was just -- we were just finalizing it.

11 CHMN. KATZ: That's fine. Once it's finalized,
12 send it on to Tod. Tod will be the brains, and I'll be
13 the brawn of editing it. And I'll sign it once it's in
14 proper form, and you then can proceed in publishing it
15 and posting it on the applicant's website.

16 And where will you be publishing, other than
17 perhaps the Arizona Republic?

18 MS. DRIGGS: I know this is the Arizona
19 Republic. Are there any other papers?

20 CHMN. KATZ: And there don't have to be. But go
21 ahead.

22 MR. HAZLE: Well, just for a local publication,
23 we'll use the Gilbert Sun News.

24 CHMN. KATZ: Okay. Are we going to have any
25 signs?

1 MS. MARTON: Yes, Chairman. We've identified
2 four potential locations for signs in this case.

3 CHMN. KATZ: And I don't remember, I'm old and
4 senile, but when I asked for the map, was that a map of
5 just the project showing where the signs were going?

6 MS. MARTON: We have both, if you would like to
7 see them. I have one pulled up right now for
8 Superstition. I know that we're talking about
9 Superstition not Sierra Estrella now. But we have both a
10 map with the sign locations and a map without.

11 CHMN. KATZ: Okay. Well, what we'll do maybe in
12 both this one and in the Sierra Estrella, maybe you could
13 get us two maps, the first one will just be the overview
14 of the project will be Prefiling Hearing Exhibit 1, and
15 then the one with the sign posting areas will be
16 Prefiling Exhibit 2 for each of the two matters. That
17 make sense?

18 MS. MARTON: Yes, sir.

19 MS. DRIGGS: Yes, sir.

20 CHMN. KATZ: And I'm assuming that Gilbert,
21 Mesa, and Chandler have all been notified of this
22 project?

23 MS. MARTON: Yes, sir. Just as with Sierra
24 Estrella, we have notified them as part of the public
25 outreach.

1 CHMN. KATZ: And where will the evidentiary
2 hearing be in this matter?

3 MS. DRIGGS: This will also be held at the
4 Hilton Garden Inn.

5 CHMN. KATZ: In Tempe?

6 MS. DRIGGS: Yes. I can give you the address if
7 you'd like.

8 CHMN. KATZ: I don't need it right now. It will
9 be in the notice.

10 Now, we're going back to back on these hearings,
11 assuming that this will start on, what, the 10th?

12 MS. DRIGGS: On the 9th.

13 CHMN. KATZ: Right. Assuming that we don't get
14 delayed. But we're doing these back to back. So first
15 one the 7th through -- the 7th and 8th, and the next one
16 9th to 10th. Again, one o'clock start on the first day.

17 Well, we might -- I wonder should we -- well, I
18 think everybody's going to already be in town. Tod, do
19 you think it makes sense to start the second hearing at
20 nine?

21 MR. BREWER: I'm not sure about Member
22 Haenichen, Mr. Chairman, if he would be traveling back.

23 CHMN. KATZ: Well, if we end, let's say -- if we
24 end on Tuesday, I can't see him going back home and
25 coming back for a hearing on Wednesday.

1 MR. BREWER: Agreed.

2 CHMN. KATZ: Maybe we'll just start it maybe at
3 11:00 a.m.

4 MS. DRIGGS: I'm happy to adjust the hearing
5 notice depending on your preference.

6 CHMN. KATZ: What do you think, Tod? We could
7 keep it at 1:00 but we could start it earlier as well.

8 MR. BREWER: No, I think we can start it early
9 on that day, and that way we can try to end a little bit
10 earlier.

11 Public comment, I would still suggest to be held
12 at 5:30 to allow anybody who would like to appear if
13 they're working or not able to accommodate an earlier
14 date.

15 CHMN. KATZ: Why don't we plan on doing it at
16 10:00.

17 MS. DRIGGS: Okay.

18 CHMN. KATZ: Okay. For the second hearing. And
19 this will be November --

20 MS. DRIGGS: November 9 at 10:00 a.m.

21 CHMN. KATZ: And just as I asked before, for
22 those Committee members coming in from out of town, I
23 don't think anybody's going to travel back to Flagstaff
24 or to Heber or to Tucson. And some of those folks that
25 live far might end up being virtual participants, but

1 they try to get to the hearings in person.

2 And, again, I'm assuming that we are not going
3 to need a tour for this one. It's a similar circumstance
4 as the other, as long as we're going to have a good
5 virtual flyover.

6 MR. PETRY: Mr. Chairman, may I ask a question
7 on that topic?

8 CHMN. KATZ: Sure.

9 MR. PETRY: We have engaged with a tour
10 transportation provider just in case there is a need for
11 such a tour.

12 CHMN. KATZ: Okay.

13 MR. PETRY: Is there a time by which we would
14 know with certainty whether or not a tour would be
15 required?

16 CHMN. KATZ: On the very first day of the
17 hearing. It's up to the Committee; it's not up to me.
18 If you think a hearing for this one because of its
19 location is going to be helpful, counsel on the day we
20 open up the hearing could indicate, "Here's why I think
21 we should have a tour," or, "Here's why I don't think we
22 need one." And if -- then the Committee will vote on it.

23 But generally for a short line, unless it's
24 immediately adjacent to an existing residential
25 neighborhood or there's some other significant issue, we

1 probably are fine not taking the tour.

2 But if you want to have one arranged, we would
3 probably do it on the morning of the second day.

4 MR. PETRY: Thank you, Mr. Chairman.

5 CHMN. KATZ: Okay. And, Tod, when would we
6 likely have our prehearing conference?

7 MR. BREWER: I believe that this one was
8 scheduled for October 31 at 2:00 p.m., Mr. Chairman.

9 CHMN. KATZ: Does that work for everyone?

10 MS. DRIGGS: Yes, sir.

11 CHMN. KATZ: Okay. And I'm assuming that there
12 aren't any pending related litigation disputes; is that
13 correct?

14 MS. DRIGGS: That's correct, sir.

15 CHMN. KATZ: And, again, just as before, the
16 docket will send copies of the application out to our
17 Committee members. We will need a hard copy of that.

18 And I will draft a procedural order once we get
19 the notice of hearing. And I will sign an agenda, notice
20 of hearing, and the -- and the procedural order.

21 And I'll need you, on or before the prehearing
22 conference date, to provide us with a copy of the draft
23 conditions of the CEC, again, with references to previous
24 CECs if you're relying on findings or conditions that
25 were laid out in similar such hearings.

1 Public comment will be 5:30 the second day.

2 MR. PETRY: Mr. Chairman, this is Devin Petry,
3 SWCA.

4 CHMN. KATZ: Yes.

5 MR. PETRY: Will the public comment be at 5:30
6 on the second day or on the first day?

7 CHMN. KATZ: On the first day.

8 MS. DRIGGS: I have it on November 9, currently
9 at 5:30.

10 CHMN. KATZ: Right. We always do it -- we
11 almost always do it the first day, get it over with. And
12 if there was a huge crowd, like we've had before, we
13 might continue it to the early part of the next morning.
14 But I don't think we're going to have a long line.

15 The hearing we just completed, we had half of
16 the area around the San Pedro River objecting to a line.
17 But it was a CEC that had already been proposed, and they
18 were bifurcating the CEC to themselves and another party.
19 And they increased the height -- average height of the
20 towers about five feet. So there really were
21 insignificant environmental issues. I think the changes
22 weren't substantial, but the Corporation Commission,
23 being the politicians that they often are, decided to
24 kick it back to the Committee for review. And it didn't
25 hurt anything by making sure that that got done. And it

1 resulted in some additional conditions being stipulated
2 to between the wind project provider and the affected
3 neighborhoods.

4 Have, again, all federal, state, county, city,
5 or town applications been either received or applied for?

6 MS. MARTON: Mr. Chairman, we applied for our
7 special use permit and design review. Our special use
8 permit hearing will be November 2. So we do not have
9 that in hand yet, but we hope to have that in hand by the
10 hearing date.

11 CHMN. KATZ: That's fine. I'm just always
12 concerned that the applications have been made and the
13 affected jurisdictions have been notified. And,
14 obviously, the condition -- one of the conditions of the
15 CEC will be that construction doesn't begin until all
16 required permits have been received.

17 MS. MARTON: Understood.

18 CHMN. KATZ: And I'm assuming from the last
19 hearing we just had a few moments ago that we'll have the
20 same technical company providing Wi-Fi, laptops -- or
21 you'll be providing the laptops -- when I say "laptop,"
22 laptop access, and you'll be providing tablets for us.

23 MR. PETRY: Yes, sir.

24 MS. MARTON: That is correct.

25 CHMN. KATZ: Are there any other issues that

1 counsel or the representatives of Plus Power Superstition
2 Project would like to make a record of?

3 MS. DRIGGS: I have one question for you, sir.

4 CHMN. KATZ: Sure, yes.

5 MS. DRIGGS: Do you have any preferences
6 regarding expert testimony? Is there anyone that you
7 would like to see there for either project? They're very
8 similar.

9 CHMN. KATZ: Well, I think we may need the same
10 experts, even if they say, "My testimony in this one is
11 the same as before."

12 And I don't care whether you call experts one at
13 a time. We oftentimes have a panel of two or three
14 people seated with their name tags in front of them. And
15 we'll have one person questioned about the project
16 planning, another environmental expert talking about the
17 nine criteria that are laid out in the statute, and the
18 like.

19 So I don't have any real preference. It's just
20 that these are two separate hearings, so I think we need
21 to have a good record showing that the -- each project
22 separately is environmentally compatible and will
23 increase the reliability of the electrical grid.

24 MS. DRIGGS: Thank you, sir.

25 CHMN. KATZ: And our court reporting company

1 would like, again, final transcripts of conferences and
2 hearings to be posted on the applicant's website. The
3 standard turnaround time for transcripts is usually about
4 three days, so we get those quickly, and we ask them to
5 get them on your website well advance of the hearing.

6 Are there any other matters we need to take care
7 of?

8 MS. DRIGGS: Not that I'm aware of, sir.

9 CHMN. KATZ: Well, I want to thank you for your
10 promptness, and I'm glad that we took care of both of
11 these matters in about 35 or 40 minutes.

12 And I'm not anticipating we're going to have a
13 lengthy or complicated hearing, but only time will tell.

14 MS. DRIGGS: Thank you, sir.

15 CHMN. KATZ: Anything further, Tod, that we need
16 to discuss?

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

18 CHMN. KATZ: Thank you all very much. Stay
19 healthy.

20 And, again, I should be healed by then. I'm
21 having minimally invasive back surgery on October 4, and
22 I'll have a week to rest before I go up to Flagstaff for
23 a few days for a hearing up there. But I don't need any
24 special accommodations. So we'll all be set, and
25 hopefully my back will be feeling much better than it has

1 over the last year or two.

2 Anyway, thank you all. Stay healthy. And if
3 there's any questions, get in touch with Tod. And if we
4 need to reconvene prior to the prehearing conference for
5 any reason, we'll do that.

6 MS. DRIGGS: Thank you, sir.

7 CHMN. KATZ: Thank you. We do stand in recess.

8 (The prefiling conference concluded at
9 1:37 p.m.)

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

3 BE IT KNOWN that I took the foregoing deposition
4 pursuant to Notice; that the witness was duly sworn by
5 me; and that said transcript is a full, true, and
6 accurate record of the proceedings; that the proceedings
7 were taken down by me in shorthand and thereafter reduced
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9 compliance with ACJA 7-206.

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

10 Dated this 20th day of September, 2022.



13 _____
14 Jennifer Honn, RPR.
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