

1 BEFORE THE ARIZONA POWER PLANT

LS-514

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION OF) DOCKET NO.
WILD STALLION ENERGY STORAGE) L-21411A-26-0260-
5 LLC IN CONFORMANCE WITH THE) 00264
REQUIREMENTS OF ARIZONA REVISED)
6 STATUTES, SECTIONS 40-360, ET.)
SEQ., FOR A CERTIFICATE OF)
7 ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING THE WILD STALLION)
8 ENERGY STORAGE SYSTEM GEN-TIE)
PROJECT LOCATED IN MARICOPA COUNTY,) EVIDENTIARY
9 ARIZONA.) HEARING
)

10

11 At: Phoenix, Arizona

12 Date: August 11, 2026

13 Filed: August 13, 2026

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16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

17 (Pages 116 through 253)

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1 BE IT REMEMBERED that the above-entitled
2 and numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at Surprise, Arizona, commencing at 9:00 a.m.
5 on August 11, 2026.

6

7

8 BEFORE: ADAM STAFFORD, Chairman

9 SAL DiCICCIO, Incorporated Cities and Towns
10 LEONARD C. DRAGO, Department of Environmental
Quality
(Videoconference appearance.)
11 DOUGLAS FANT, General Public
ROMAN FONTES, Counties
12 (Videoconference appearance.)
NICOLE HILL, Governor's Office of Energy Policy
13 MARGARET "TOBY" LITTLE, General Public
(Videoconference appearance.)
14 GABRIELA SAUCEDO MERCER, General Public

15

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1 CHMN STAFFORD: Let's go back on the
2 record.

3 Mr. Rich, I believe you had some follow-up
4 answers to the questions posed by members yesterday.

5 MR. RICH: Yes. Good morning, Chairman,
6 Committee Members. Appreciate the questions and your
7 time yesterday. We had some homework and we went back
8 and hopefully accurately collected all the questions you
9 have and have some answers. I'll take the team through
10 those questions. If there's anything we didn't answer,
11 by all means, ask away, as I know you will.

12 Q. So, good morning, everybody. You're still sworn
13 in this morning and under oath, so I'll remind you of
14 that. And let's -- let's get started. I'll just ask it
15 generally to the group there and whoever wants to jump in
16 can, but I guess, actually, to Mr. Akin, yesterday you
17 provided some testimony about the CapEx -- predicted
18 CapEx cost of the entire system, and then you were asked
19 some follow-up questions about the projected CapEx per
20 mile for the gen-tie. I understand you went back and
21 were able to get some more granular information.

22 Do you have some additional information on that
23 you can offer this morning?

24 A. (MR. AKIN) Certainly, Court.

25 Mr. Chairman, Committee Members, good morning.

1 We went back and gathered as a team and just made sure
2 that all the numbers we're putting on record are as
3 precise as possible. On the gen-tie project itself our
4 best estimate, and I'll caveat that input costs can
5 change, labor costs are somewhat unpredictable, and so
6 we're giving a relatively wide number range, but per mile
7 we would expect the gen-tie project to cost between 1- to
8 \$2 million. So that's our general estimate for the power
9 line itself.

10 As far as the total fully bundled facility,
11 again, similar caveats apply. It's very difficult to
12 accurately predict all of the inputs that go into a
13 massive battery project. We have revised our estimate
14 from yesterday to range between 250- and \$400 million in
15 total CapEx.

16 Q. Great. Thank you for that.

17 You also were asked about lightning protection
18 for the facilities, and I'm wondering if you were able to
19 gather more information on that?

20 A. (MR. AKIN) Certainly.

21 There are a number of protections that
22 facilities have in place to protect against lightning
23 strikes and ensure maximum safety of the system.
24 Grounding is a critical component of that, so each BESS
25 enclosure block will be bonded to a common ground site.

1 The enclosures tie in on both sides via ground pigtails,
2 daisy chain grounds between separate equipment are
3 prohibited. Everything ultimately lands on a common
4 ground grid.

5 All of these components will be designed to meet
6 National Electric Code, NEC, standards, as well as IEEE
7 80 and 81 standard size for a 230-kilovolt system. And I
8 think, ultimately, it's important to note that lightning
9 protections are determined by our engineer of record via
10 risk assessment and will likely consist of a combination
11 of dedicated lightning protection systems plus surge
12 protection at collector and control interfaces for the
13 project. That's probably what I would add.

14 Q. Okay.

15 A. (MS. AIELLO) And if I may just add additional
16 detail on the lightning protection specifically for the
17 gen-tie portion of the project. So it will also include
18 and shield wire at the top of the line, so that's a
19 non-energized line that essentially serves as an
20 interceptor for any lightning strikes. That will be
21 along the entire route and will be tied to the ground for
22 further protection.

23 Q. Great. Thank you.

24 I think Member Mercer asked yesterday about the
25 BESS system and detection and how you avoid thermal

1 issues. Were you able to do some more digging on that
2 and provide us some more information on the safety and
3 monitoring?

4 A. (MR. AKIN) Absolutely, Court.

5 So I mentioned yesterday at a high level that
6 the BESS components and enclosures have sensors, and we
7 did a little bit more digging on the specificity of those
8 components. The BESS enclosures themselves will carry
9 multiple thermal runaway sensors, each physically
10 separated BESS pod will contain a smoke and heat
11 detection system and an H2 gas detector. Above that the
12 battery management system for the project, which is sort
13 of the electrical interface that controls how the
14 batteries function, continually monitors cell
15 temperature, voltage, current, state of charge, and that
16 protects against temperature, overcurrent, overcharge,
17 overdischarge, and ultimately it will disconnect the
18 batteries at an appropriate temperature to prevent any
19 sort of legitimate thermal runaway from occurring if
20 temperature climbs above an acceptable level.

21 And any detector alarm trip that occurs at the
22 project site will cascade to automatically shut down the
23 battery system. Yeah, I'd keep it to that.

24 Q. Okay. And that monitoring is done at the cell
25 level on the batteries, correct?

1 A. (MR. AKIN) Yes.

2 CHMN STAFFORD: Member Fant, you had a
3 question?

4 MEMBER FANT: Thank you. Thank you,
5 Mr. Chair.

6 Let's flip that on -- flip that on its
7 head. What if you get a cloud burst and you have 5 or
8 6 inches standing in the batteries, is that a problem or
9 not really?

10 MR. AKIN: I just want to clarify. So
11 you're asking if there's --

12 MEMBER FANT: A heavy rainstorm.

13 MR. AKIN: -- a heavy rainstorm.

14 MEMBER FANT: And you have 5 or 6 inches of
15 water sitting in the facility.

16 MR. AKIN: Understood.

17 The battery BESS containers will be raised
18 and they will be watertight. So water will not be able
19 to enter the containers from the exterior.

20 MEMBER FANT: Thank you.

21 MR. AKIN: Of course.

22 BY MR. RICH:

23 Q. You received a question yesterday, I think again
24 from Member Mercer, about the cooling systems and how the
25 batteries will be cooled. Were you able to gather some

1 more information on that?

2 A. (MR. AKIN) I certainly was.

3 Yeah, we did a little bit more research and
4 confirmed that the primary cooling componentry of our
5 batteries is liquid based. It's not forced air over the
6 cells. And I'll caveat that we are not pulling water
7 from an external source. This is a closed-loop coolant
8 system. And so the BESS enclosures will use multiple
9 chillers that recirculate liquid coolant directly through
10 the battery modules and power conversion systems.

11 Q. Great. Thank you.

12 You also received a question, I think Member
13 Fontes asked, about the conductors that will be utilized.
14 What were you able to find out on that?

15 A. (MR. AKIN) Absolutely.

16 And this pertains to the gen-tie project
17 conductors, specifically the wires that are running
18 between the towers. And so we were able to confirm that
19 the gen-tie line conductor will be overhead bare aluminum
20 as a standard for a 230-kV high-voltage gen-tie power
21 line. So bare aluminum ACSR/ACSS. It will be sized per
22 IEEE 738 for continuous and emergency MVA at the site's
23 design, ambient and coordinated with APS's facility
24 rating.

25 Q. Thank you.

1 You're -- we also received a question asking
2 about the location of the gas line. And I'm wondering if
3 one of you could, using the map that's on the screen,
4 which is the placemat exhibit, which was applicant's
5 Exhibit Number 8. Could you point out for the committee
6 where that gas line is?

7 A. (MS. AIELLO) Sure thing. Thank you, Court.

8 So this is information from our ALTA survey that
9 was completed for the project. We -- oh, sorry, I
10 pressed the wrong button. Thank you. We know that the
11 pipeline is mapped along the northern extent of the route
12 or the corridor here that follows West Deer Valley Road,
13 and it's not expected to intersect with the gen-tie of
14 the project.

15 Q. I'm sorry, just to be clear, you said the
16 pipeline is in that what looks like a dirt disturbed
17 strip to the north of the project area?

18 A. (MS. AIELLO) That's correct.

19 CHMN STAFFORD: Member Fontes, you have a
20 question?

21 MEMBER FONTES: I do on this. And then I
22 have several follow-up questions, since we're speeding
23 through this, when you're ready, Mr. Chairman. Should I
24 proceed now or do you want to wait?

25 CHMN STAFFORD: Do you have a question

1 about the gas line or is it something else?

2 MEMBER FONTES: On the gas line I want to
3 know where the grounding ends and the gas line safety
4 boundary is.

5 MS. AIELLO: I would need to meet with our
6 team and get more information on that.

7 MEMBER FONTES: Yeah, we just want to make
8 sure your right-of-way is appropriately sized for you
9 since you're asking for such a nondefined area, based on
10 your -- your design.

11 MS. AIELLO: Understood. Thank you.

12 MEMBER LITTLE: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Little.

14 MEMBER LITTLE: I had one question about
15 the gas line, if I may?

16 CHMN STAFFORD: Please.

17 MEMBER LITTLE: I'm assuming that although
18 the gas line is not close to the transmission line
19 itself, it is close to the BESS facility, and the power
20 collection -- sorry, yesterday was a long day -- the
21 power collection of the BESS. I'm assuming that you
22 weren't working in coordination with the gas company.
23 I'm not sure who owns that line.

24 MS. AIELLO: Yes. Our understanding is
25 that the line is owned by Southwest Gas Corp., it's a

1 12-inch natural gas distribution line. We are not
2 presently working with them, to my knowledge, but we
3 would, as needed, for the BESS facility itself.

4 MEMBER LITTLE: Okay.

5 MS. AIELLO: Anticipating that we may need
6 a crossing agreement for construction access.

7 MEMBER LITTLE: Yes, you definitely need to
8 do that. Thank you.

9 MS. AIELLO: Yes.

10 MEMBER HILL: Mr. Chair?

11 CHMN STAFFORD: Yes, Member Hill.

12 MEMBER HILL: Another question about the
13 gas line. Does it intersect if you move your
14 transmission to the top of the eastern section? So if it
15 runs around Deer Valley Road and you guys decide to use
16 the top of that, will it -- will there possibly be an
17 intersection there?

18 MS. AIELLO: We would need to confirm that
19 with further review of the ALTA survey, but that's not in
20 our present plans. As I noted yesterday, our plans for
21 the project substation are in the southeast portion of
22 the BESS area, so we do not currently anticipate placing
23 any infrastructure in that northeast section of the BESS
24 area. There is a wash there, so we're intending to avoid
25 that area.

1 MEMBER HILL: Okay. I just want to suggest
2 our final map actually include that line. It is within a
3 mile of the project area. I think we want to understand
4 potential conflicts. If you have to adjust your design,
5 you are, you know, it's still a possibility, so let's
6 maybe just add it.

7 MS. AIELLO: Okay. Great.

8 MEMBER HILL: The other suggestion I had
9 while we're here is you could probably take the 69-kV
10 line off because, A, it's nonjurisdictional to us, and
11 it's so -- so far away that you can probably take that
12 one off just to reduce busyness.

13 MS. AIELLO: Okay. Thank you.

14 CHMN STAFFORD: Member Fontes, you had an
15 additional question about the gas line?

16 You're on mute.

17 MEMBER FONTES: I have additional questions
18 on the other materials that were covered.

19 CHMN STAFFORD: Okay. Well, Mr. Rich had a
20 list of follow-up answers from yesterday. Would you like
21 him to finish going through those and then maybe your
22 questions will be answered in that? And then, if not,
23 then you can ask additional questions?

24 MEMBER FONTES: I'm totally fine with that,
25 Mr. Chairman.

1 CHMN STAFFORD: Thank you.

2 MR. RICH: And, Mr. Chairman, I'm basically
3 at the end of that list. And I know that Mr. Fontes's
4 questions seemed to have spurred from things that were
5 already said, so I welcome him to follow up now on those,
6 so we can get him the answers he needs.

7 CHMN STAFFORD: Please, Member Fontes,
8 proceed.

9 MEMBER FONTES: I want to go back to the
10 interconnect type. Is that a network or an energy
11 interconnect with APS, given that you're looking for a
12 tolling agreement? What type of interconnect did you
13 request?

14 MR. AKIN: Let me go ahead and confirm with
15 our team and get back to you.

16 MEMBER FONTES: Okay. If you're looking at
17 a tolling agreement -- and I need to introduce myself to
18 the applicant -- I've worked with Western Area Power
19 Administration and I financed that 500-kV transmission
20 line there. And I also financed the first stand-alone
21 energy storage project that had a tolling agreement for
22 APS.

23 So what I'm trying to do is give you some
24 questions so that you don't -- I don't think Mr. Chairman
25 or the ACC or Mr. Court want to have you come back here.

1 So I want to ask some questions that are related to this
2 so that when you get to final design and you get the
3 financing that's well thought out we've got the right
4 right-of-way and the standards. So bear with me a
5 second.

6 On the conductor type, you stated that
7 you're using ACSR or ACSS?

8 MR. AKIN: It will be one of the two.

9 MEMBER FONTES: Okay. Pole height
10 structures matter. And make sure that when you consult
11 with your engineers that you can accommodate a higher
12 pole height structure for the ACSS. This was an issue in
13 financing and it did delay a project, okay?

14 MR. AKIN: Thank you.

15 MEMBER FONTES: ACSS operates off of higher
16 operating temperatures. If you're going for a network
17 connection and you're going to have APS operate this on a
18 toll, you're going to have to have a higher conductor. A
19 higher-rated conductor. So what I'm trying to do is get
20 back, and Mr. Court knows me well enough and he can tell
21 you, I'm trying to look at the right-of-way. I'm trying
22 to look at your pole height structures, because when they
23 write the CEC, we're going to have to tailor that for
24 you.

25 Oftentimes that last pole structure before

1 you go into the substation will have to be looked at.
2 The spacing on the ACSS and the ACSR are different, okay?
3 So we're trying to give you the latitude of that, but we
4 need a little bit more clarity on how your engineers are
5 currently thinking on it. And I assume you're at, like,
6 a 33 percent design, so that you can give that option.
7 It's different and it's driven by that network connection
8 or that energy connection.

9 Typically, a network connection, APS wants
10 that if you're going to go for a toll, because they want
11 credit for the reserve capacity on their IRP, and their
12 operation. If you're going for an energy interconnect,
13 that's different, and that's more of an energy arbitrage,
14 so you're going to use a different technical solution.

15 So I appreciate you just double-checking
16 that out. We're not trying to play gotcha with you here,
17 Mr. Akin, we're trying to optimize this, so when the
18 Chairman starts drafting specifics in the CEC, we can
19 adjust if we need to for you. Because, as I said, I
20 don't think Mr. Rich wants to get back on the calendar
21 again here, because there's just -- it's too congested
22 for schedule -- for scheduling these hearings.

23 CHMN STAFFORD: There is no backlog.

24 MEMBER FONTES: Today. Today. Yet but my
25 calendar seems to fill up like any -- any week with

1 these.

2 MEMBER HILL: Roman, stop.

3 MEMBER FONTES: The -- I think that pretty
4 much covers it. And I see you typing copious notes,
5 Mr. Akin. If you need to come back to me, Mr. Rich, you
6 know me well enough, Court, just clarify, but the genesis
7 of my question is, look, I know you don't have the full
8 design, you have more of a conceptual-plus design.
9 However, let's get this right and do a little more,
10 because I didn't see that on the application.

11 Lastly, I want to apologize to you. I have
12 been on another professional matter, so I missed the
13 first part of this.

14 Mr. Chairman, that's all I had. I will
15 defer to Member Little, because she and I had a sidebar
16 in case I missed anything. Member Little? Member Hill?

17 MEMBER HILL: No, I think you got
18 everything.

19 CHMN STAFFORD: I would note that -- I
20 would note that the draft CEC has the maximum height of
21 the structures as 120 feet. Does that raise any flags to
22 you, Member Fontes? Because you said something about the
23 last structure needs sometimes to be higher.

24 MEMBER FONTES: I just don't know about
25 what kind of conductor they're looking at, what kind of

1 network, so I kind of want to look at it holistically to
2 give them the benefit of, if you will, my lessons
3 learned, scars from, and gray hair, from other similar
4 stand-alone battery energy projects in the same zip code.

5 Thank you, Mr. Chairman.

6 CHMN STAFFORD: Thank you.

7 Member Fant?

8 MEMBER FONTES: Thank you, Mr. Court.

9 MEMBER FANT: Thank you, Mr. Chair.

10 I'd just like to ask one more question,
11 it's just my own curiosity. How are the battery packages
12 individually connected? Do they each have a feed going
13 to the wire that feeds out of the facility or are they
14 connected? And I mentioned this yesterday, in a parallel
15 or in a series function?

16 MR. AKIN: So we actually gathered some
17 granular specifics for you on this. Within the BESS
18 enclosures, cells are series connected into modules, and
19 then modules are series connected into strings at the DC
20 operating voltage. And those strings are paralleled into
21 the DC bus that feeds each inverter of our battery
22 system. And so multiple BESS enclosures are paralleled
23 at the MB switchgear up to the common point of
24 interconnection.

25 MEMBER FANT: Thank you.

1 MR. AKIN: Of course.

2 CHMN STAFFORD: Any other questions from
3 members?

4 MEMBER FONTES: Mr. Chairman, I have an
5 alibi [sic], just a curiosity question, because it's
6 occurring to me on another project. You're close to a
7 military facility. On the pole height structures, did
8 the military in their proceedings and review require you
9 to put any kind of standard markings or light? I live
10 adjacent to the Deer Valley Airport, and there's a
11 stand-alone BESS that goes over cap into an APS station
12 here. And I can't always help, I drive by them and I'm a
13 bit of a wonk, as Member Little will attest to, on some
14 of this stuff, but noting next to the air facility, they
15 do have standard lighting on top of the pole height
16 structures within the fallout zone for that municipal
17 airport. So it's more of a curiosity question.

18 MS. AIELLO: Yes, I'll take that question.
19 To my knowledge, no, they have not made that specific
20 request, but we are still coordinating with Luke Air
21 Force Base and going through their review of our project
22 so if they do have any specific requests in regards to
23 the lines, we will, of course, incorporate that.

24 MEMBER FONTES: Thank you.

25 MS. AIELLO: Uh-huh.

1 CHMN STAFFORD: I seem to recall testimony
2 that a no hazard determination was not going to be
3 required for the project?

4 MS. AIELLO: That's correct. That's from
5 FAA. This is specific to Luke Air Force Base.

6 CHMN STAFFORD: Okay. Thank you.
7 Member Little?

8 MEMBER LITTLE: I have several questions,
9 just kind of general questions as I went through the
10 application.

11 First of all, I would like to request, for
12 any future applications that you are -- might be involved
13 in, please put in an acronym list at the beginning of the
14 application. There's so many acronyms in today's world
15 and, you know, if I'm reading something in an area that
16 I'm not real familiar with, it's very helpful to have
17 one.

18 MS. AIELLO: Noted. Thank you. And
19 apologies for not including a list.

20 MEMBER LITTLE: Oh, no problem. I just
21 wanted to make that suggestion.

22 The archaeological work pointed out what
23 they call as historical -- an historic project, which is
24 the Wickenburg to Dysart 69-kV line. And, by that
25 definition, I guess I'm historic too. But I would like

1 to have you talk a little bit more about that, where it
2 is, and if it's going to be impacted at all by your
3 project?

4 MS. CASTEEL: If you give me just a minute,
5 I'll look in through our information and try to gather
6 some details on that.

7 MEMBER LITTLE: Okay. Thank you.

8 In the meantime, perhaps somebody else can
9 answer the question, it was mentioned also in the
10 application that this project will provide employment and
11 economic investment in the area. And I'm just wondering
12 how many people will be employed when the project is
13 fully operational? And I realize during construction
14 there will be, you know, a fair number of people there
15 working, and providing some economic investment in the
16 area, but when it's fully operational, what will that
17 impact be?

18 MR. AKIN: I would like to review our
19 latest numbers there and get back to you quickly. Give
20 us maybe half an hour on that one.

21 MEMBER LITTLE: Okay. Thank you.

22 And, finally, I'm wondering about the
23 status of the Large Generator Interconnection Agreement
24 with APS. The application mentioned that it's expected
25 to be complete in -- this month. And I'm curious what

1 the status of that is.

2 MR. AKIN: Certainly. Yeah, we are
3 currently working to finalize a Large Generator
4 Interconnection Agreement. I don't have further details
5 beyond that, but our hope is that sometime in Q3 of this
6 year, we'll be able to execute that agreement.

7 MEMBER LITTLE: Okay. So you must be
8 pretty far along with that, then?

9 MR. AKIN: Yeah, I'm not able to provide
10 any further specificity, but yeah, we are -- we have
11 shared initial comments on the form agreement.

12 MEMBER LITTLE: Okay. The only other thing
13 that I really would like to just mention that I have
14 concerns about, and Mr. Chairman, this is also for your
15 information, and that is how we deal with making sure
16 that the CEC has whatever is necessary that -- to make
17 sure that in the CEC we assure compliance with the fish
18 and game letter. And with that, I'm done. Thank you.

19 CHMN STAFFORD: Thank you, Member Little.
20 I thought we'd end up discussing that sooner or later,
21 about whether to add the Exhibit B to the Certificate, as
22 we have been doing more recently. I think that seems to
23 be a clearer way to show what those environmental
24 mitigation measures would be, as opposed to referring to
25 something that's one or two pages inside a

1 several-hundred-page document.

2 Is that what you're looking to add to the
3 Certificate, an Exhibit B?

4 MEMBER LITTLE: I really like the Appendix
5 B approach. I agree with you. I think it's -- it, you
6 know, it lays out the mitigation measures very clearly,
7 and all in one place. If absolutely necessary, I am
8 happy with just, you know, indicating in the body of the
9 Condition that they agree to abide by those, the
10 conditions that are in the fish and game letter.

11 CHMN STAFFORD: Okay. And that -- so if we
12 did do the Exhibit B, it would contain the measures
13 listed in the fish and game letter, which can be found
14 where in the record?

15 MEMBER LITTLE: It is --

16 MEMBER HILL: Tab H, page 8 -- 6, 7, 8, and
17 9.

18 CHMN STAFFORD: And that's to the
19 application itself?

20 MEMBER HILL: To the application.

21 CHMN STAFFORD: Which is Hearing Exhibit 1,
22 okay.

23 MEMBER HILL: And I don't know if Member
24 Little has other questions, but there's a couple of
25 things I wanted to note in that letter.

1 MEMBER LITTLE: I do not. Thank you.

2 CHMN STAFFORD: Then let's address those
3 now.

4 MEMBER HILL: Okay. Thank you.

5 There's some specific things in here that I
6 think we just need to make sure are in the exhibit. The
7 one -- there's a couple of them. So it calls for a
8 setback of 200 feet from ephemeral washes and a quarter
9 mile from perennial waters for infrastructure, right, so
10 I know the corridor might cross some of those things, but
11 for the infrastructure to be built, it calls for those
12 kinds of setbacks.

13 It also calls for some specifics about
14 trenches and large holes and the need for common escape
15 ramps to be constructed at least every 300 feet and
16 slopes to be less than 45 degrees in those. So I just
17 want to make sure that's in there. And then it does call
18 for an invasive species plan, and it specifically calls
19 out that stinknet infestations need to be quickly
20 managed, so that's like a big problem in the County and
21 they're trying to get a handle on it.

22 So while it does ask for a lot of noxious
23 weed control, it calls that one out, and I just want to
24 make sure that that one is quickly managed. And -- oh,
25 the re-vegetation of disturbed areas with native

1 drought-tolerant species, that language specifically. I
2 know that Game & Fish has kind of tried to refine that,
3 but that is the expectation. Thanks.

4 MS. AIELLO: Understood. Thank you.

5 MEMBER HILL: Yeah.

6 MS. CASTEEL: And I do have information
7 about the Wickenburg to Dysart 69-kV. It is
8 approximately 600 feet south of the corridor, and would
9 not be impacted by the project.

10 MEMBER LITTLE: Thank you.

11 CHMN STAFFORD: All right. Any other
12 questions from members?

13 MEMBER FONTES: Curiosity question. Did
14 the acoustic and noise modeling for the corona effect do
15 a cumulative to include all of those lines or it just
16 focused on the new line?

17 MS. CASTEEL: I'm --

18 MEMBER FONTES: Because there's a number of
19 lines there. So I was wondering, did you do a combined
20 acoustic effect or just a -- the new --

21 MS. CASTEEL: I'm checking the details, but
22 I know the modeling was done. The existing conditions
23 would include those. I'm not sure about the -- your
24 question specifically, so I'll look through that and get
25 back to you.

1 CHMN STAFFORD: Quick follow-up question on
2 the gas line. It says a distribution line, so what
3 does -- what does it serve? It's not serving any power
4 plants, is this for -- it's Southwest Gas, this is for
5 people's homes or businesses or --

6 MS. AIELLO: I would have to look at that.
7 I'm not quite sure.

8 CHMN STAFFORD: Okay. All right. So we've
9 got, let's see, other loose ends to address.

10 The exhibits, we have nine hearing
11 exhibits, WS-1 through 9. I'm going to go ahead and
12 admit those now --

13 MR. RICH: Thank you, Mr. Chairman.

14 CHMN STAFFORD: -- before we forget about
15 it and don't do it.

16 (Exhibits WS-1 through WS-9 were admitted
17 into evidence.)

18 CHMN STAFFORD: All right. So that -- you
19 have, what, two or three outstanding questions to answer?

20 MR. RICH: I think that's right. Do we
21 want to summarize that -- should we summarize those and
22 make sure we get you the right answers and we're not
23 leaving anything hanging?

24 CHMN STAFFORD: That's a good idea. Let's
25 do that.

1 MR. RICH: Okay. Maybe we can crowd source
2 this. But I'm -- I'm -- on my list to confirm that we
3 are seeking a network connection, which I think is right.
4 And we'll just make sure that we talk to the folks that
5 know. We're going to double-check with our team and make
6 sure they're comfortable with the maximum pole height
7 that's been requested, which I think we are. We're
8 looking at the employment numbers to confirm that the
9 information is accurate in the application. There's a
10 question about the grounding edge for the pipeline that
11 we're going to see if we can get that information right
12 now.

13 Sorry, team, there was a couple others I
14 know that you were checking into, if you want to just
15 confirm for the record here so that -- I think we're
16 probably going to take a break and answer those -- so
17 that we don't come back and have not answered one.

18 Does anyone have another question that
19 you're answering?

20 CHMN STAFFORD: It was the -- about the
21 natural gas line, what's it going to, what's it serving.

22 MR. RICH: Got it.

23 MEMBER LITTLE: Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: If we're going to go the

1 route of Appendix B, wouldn't now be a good time to draft
2 that or --

3 CHMN STAFFORD: It's like you're reading my
4 mind, Member Little. I was going to suggest, yes,
5 because you had zeroed in on the place in the application
6 in the Game & Fish letter where those measures are
7 contained. I would suggest that the applicant prepare an
8 Exhibit B that lists those out as what they're going to
9 do to mitigate environmental impacts for the project.
10 You can see how we did it for the last case. It's just
11 one page that has those measures spelled out.

12 MR. RICH: I know, Mr. Chairman and
13 Committee Members, in the record I think we confirmed our
14 agreement with the Game & Fish letter and their
15 recommendations. Would it be the committee's preference
16 or is it possible or maybe easier to just attach that as
17 the Exhibit B and say that we'll comply with it? No?
18 I'm seeing heads shaking. Never mind.

19 CHMN STAFFORD: The way I look at this,
20 too, is sometimes we make changes to Exhibit A or Exhibit
21 B, and we don't expect you to do all those on the fly.

22 MR. RICH: Uh-huh.

23 CHMN STAFFORD: When we vote, we vote to
24 make those changes and then when you submit the final CEC
25 to my office --

1 MR. RICH: Okay.

2 CHMN STAFFORD: -- with the Exhibit A and
3 B, they would set the conformance with what we said you
4 need to do.

5 MR. RICH: That works.

6 CHMN STAFFORD: And then we can get that
7 hammered out later on. So it will do -- we'll vote to
8 make it happen, but we don't expect you to make --

9 MR. RICH: Okay.

10 CHMN STAFFORD: -- all those changes on the
11 fly today. Especially when it comes to changes to the
12 map. Sometimes those don't happen until when you submit
13 the final CEC, admitted Exhibit 2 back to my office with
14 those attachments to get filed with the Commission.

15 MR. RICH: Okay.

16 MEMBER HILL: Mr. Chair?

17 CHMN STAFFORD: Member Hill.

18 MEMBER HILL: I was the one who shook my
19 head no, but I just wanted to explain, Court, that
20 sometimes -- the reason we haven't been doing that is
21 because sometimes the Game & Fish letters address things
22 beyond what we have jurisdiction over. So what we've
23 asked is the applicants to actually, like, put the stuff
24 that's related to the CEC in a second form, so that we
25 can just see it separate and apart and we're not looking

1 at the other pieces. So that's the only reason that
2 we've decided to go with that form.

3 MR. RICH: Okay. We have no objection to
4 that.

5 MEMBER HILL: Okay. I also think if we are
6 taking a break, there are a couple of things that we've
7 talked about with the map that you might want to adjust
8 if you're drafting things, including that gas line. If
9 you're going to -- I mean, there is the potential for
10 meeting that gas line on -- I can't -- Deer Valley Road,
11 if you adjust your design for the battery storage. So I
12 think we should probably just put it on the map. It's in
13 the project area, and could be a source of conflict if
14 you adjust your battery system design.

15 MR. RICH: Understood. We'll make sure
16 that the final map reflects that.

17 MEMBER HILL: Okay.

18 CHMN STAFFORD: And I'm inclined to leave
19 the 69-kV on there, because that's --

20 MEMBER HILL: I have no strong feeling
21 about that. It was just really busy, that's my only
22 problem.

23 CHMN STAFFORD: I think that goes to show
24 that this is a pretty developed utility corridor, and
25 that I think that gives weight to the marginal impact of

1 this individual project being quite small. De minimis,
2 potentially, even, so --

3 MEMBER HILL: I'm good with that.

4 CHMN STAFFORD: Okay. All right. Anything
5 further?

6 (No response.)

7 CHMN STAFFORD: So I guess what we'll do
8 now is we'll take a recess to allow the applicant to come
9 up with these answers. And then once they provide those
10 answers I think Mr. Rich will be ready to give his
11 closing, provided the committee doesn't have additional
12 questions at that point.

13 MEMBER HILL: Let's do it.

14 CHMN STAFFORD: All right.

15 MR. RICH: Mr. Chairman --

16 CHMN STAFFORD: How much time do you think
17 you needed to get the answers the Committee requested?

18 MR. RICH: Looking across the --

19 MR. AKIN: I would expect 30 minutes or so.

20 CHMN STAFFORD: All right. Let's take a
21 30-minute recess, then come back, get the answers, the
22 closing, and then we can begin discussions of the
23 Certificate.

24 MR. RICH: Thank you.

25 CHMN STAFFORD: All right. With that, we

1 stand in recess.

2 (Recessed from 9:39 a.m. until 10:35 a.m.)

3 CHMN STAFFORD: Let's go back on the
4 record.

5 Mr. Rich, I believe your witnesses had some
6 answers to the questions posed by the committee.

7 MR. RICH: Thank you, Mr. Chairman. Yes,
8 we did. And thank you for your indulgence to give us
9 some time to get those answers for you.

10 Q. Let me look over to the team here. I know first
11 we wanted to start, Mr. Akin, you had a correction or you
12 wanted to add some additional information to a question
13 that Member Fant asked you about what happens if there's
14 a rainstorm on the site. Would you mind giving us a
15 little more information there?

16 A. (MR. AKIN) Absolutely, Court.

17 So we just want to clarify the battery cells
18 within the BESS system and not the full container are
19 sealed. BESS containers, as a whole, are rated for
20 outdoor use. And I think much more importantly, per our
21 civil design, significant standing water would never be
22 allowed to accumulate under BESS containers. BESS
23 facilities will be installed above any hundred-year
24 floodplain.

25 I guess on the topic of water cooling and

1 accumulation, we will work with the City of Surprise and
2 our engineers to ensure sufficient stormwater mitigation,
3 and the BESS will comply with the City's rules around
4 water drainage and retention.

5 Q. Thank you.

6 Member Fontes provided some helpful advice and
7 thoughts to us on tower height issues. Were you able to
8 double-check and confirm with your team that the proposed
9 120-foot maximum height is sufficient for the project?

10 A. (MR. AKIN) Yeah, our maximum pole height listed
11 on the application is, of course, 120 feet, and in
12 discussion with our engineers we believe, as a company,
13 that that height, as an upper bound, will be sufficient.

14 Q. Great.

15 Member Fontes also asked you about or to confirm
16 that you're seeking a network interconnection, as opposed
17 to an energy interconnection.

18 Were you able to do that?

19 A. (MR. AKIN) Yes. The project, as part of our
20 interconnection request, applied for Network Resource
21 Interconnection Service, or NRIS.

22 Q. Great.

23 Moving on, Member Little asked about employment
24 and economic impact numbers that were in the application.
25 Can you confirm post-construction employment and economic

1 impacts for the project?

2 A. (MR. AKIN) Yeah. I think it's important to note
3 that post construction, the facility will generate
4 significant property tax for local jurisdictions, and
5 this will be the primary economic impact. Also important
6 to note that construction is not a one-time event, as the
7 BESS facility is expected to be augmented throughout its
8 lifecycle, so additional construction jobs will be
9 created over time.

10 Q. Okay. Now, the Chairman gave us a tough one and
11 asked if we could figure out what customers are served by
12 the pipeline. Were you able to do that?

13 A. (MS. AIELLO) Yes. Thank you, Court.

14 Yes, as you might expect, that was a little
15 difficult to find information on that based on what we
16 have available to us today, so we do not have an answer
17 to that question.

18 Q. And then Member Fontes also asked us a question
19 about the grounding edge of the pipeline. Were you able
20 to get some additional information on that?

21 A. (MS. AIELLO) Yes. I met with our construction
22 and engineering team on that question, and our response
23 is that we will maintain a 50-foot setback off of the
24 pipeline right-of-way to stay away from the grounding
25 edge of the pipeline.

1 Q. And, of course, the majority of this project is
2 well over a thousand feet away from the pipeline,
3 correct?

4 A. (MS. AIELLO) Correct.

5 MR. RICH: I think we answered all of the
6 questions that we were left with. If we didn't, and
7 there are more questions, let us have it.

8 CHMN STAFFORD: Looks like Member Fant has
9 a question.

10 MEMBER FANT: Thank you, Mr. Rich.

11 Just one more question for Mr. Akin. Is
12 the battery storage facility -- battery energy storage
13 facility a manned or unmanned facility. Is there anybody
14 on site or no one on site and run remotely?

15 A. (MR. AKIN) That's a great question.

16 Presently Wild Stallion is planned as an
17 unmanned facility, in other words, we're not going to
18 have permanent on-site O&M staff. For routine
19 maintenance and any maintenance issues that arise
20 throughout operations, we will have the O&M personnel
21 that can visit the site quickly and easily.

22 MEMBER FANT: And just as a thought, too,
23 you might work with APS just to run drone patrols over
24 your facility. Inexpensive and keep an eye on what's
25 going on out there on an unmanned facility, cameras and

1 drones.

2 MR. AKIN: That's a very creative
3 recommendation. Thank you.

4 CHMN STAFFORD: Member Fontes, you have a
5 question?

6 MEMBER FONTES: I did. It had to do with
7 the rating of the conductor. What type of conductor
8 you're going to use, because if you're going to use the
9 higher thermal rated ones, that will go with different
10 structures than the lower rated one that you mentioned.
11 You mentioned both. Did you get an inclination? And
12 what we're looking at is the number of structures within
13 the right-of-way.

14 MR. AKIN: Yes. So just to clarify, you're
15 asking about -- could you restate your question one more
16 time? I apologize.

17 MEMBER FONTES: My question was, what type
18 of conductor you're going to use. You mentioned both.
19 And so if you're using a higher thermal rated one, those
20 tend to be spaced out different. They have a wider base
21 for the civils for the support because they're heavier.
22 And in Arizona when you do a network, you tend to go with
23 the higher rated ones. We're going to look at the
24 right-of-way, we're looking at how many approximate pole
25 structures you're going to put in, so wanted to just

1 capture for the record what conductor your engineers are
2 looking at, given that it's a network, a NRIS.

3 MR. AKIN: Yeah, our formal answer right
4 now is just given our relatively early stage of
5 engineering design for the project, we have not finalized
6 that. Again, we would use overhead bare aluminum, ACSR
7 or ACSS. We have not finalized that yet. And, as
8 stipulated in our application, we're expecting between 17
9 and 20 individual pole structures for the gen-tie.

10 MEMBER FONTES: Between 17 and 20. So what
11 would be the engineering method for the final
12 determination of that? Because some of those pole
13 structures will be different as you get in the
14 right-of-way and make that final determination.

15 MR. AKIN: Yeah, certainly in our exhibits
16 we include examples of monopole structures that could be
17 used for both the linear duration and any turns in the
18 gen-tie project.

19 MEMBER FONTES: Yeah, I -- so on other
20 projects for -- for -- in smaller projects in particular
21 when it gets tighter, those can impact right-of-way.
22 Does your right-of-way, as you've planned it out in the
23 application, allow for sufficient variations for those
24 various turns on both types of conductors?

25 MR. AKIN: We believe it does.

1 MEMBER FONTES: Okay. Thank you.

2 CHMN STAFFORD: Member Fant?

3 MEMBER FANT: Thank you, Mr. Chair.

4 One more low-budget security idea. You can
5 offer to the Superior Police that they're -- or Surprise
6 Police, I'm sorry, that they can sit in front of your
7 facility and do their paperwork. So they'll sit there
8 for hours at a time in their police cars right in front
9 of your facility and give you free security because
10 people will see the police car.

11 MR. AKIN: Even more creative than drones.

12 CHMN STAFFORD: All right. Any further
13 questions from members?

14 (No response.)

15 CHMN STAFFORD: Hearing none, I think we're
16 ready for your closing, Mr. Rich.

17 MR. RICH: Great, thank you, Mr. Chairman,
18 Members of the Committee. I really am very much
19 appreciative, our whole team is appreciative, of the time
20 you spent here with us this week, and we're grateful for
21 all the questions and for the opportunity that you gave
22 us to present our case and to answer all the questions
23 that you've had.

24 I think I told you at the outset my
25 expectation was that this was going to be a rather

1 straightforward case. I think it's proven to be so. And
2 I'm glad to be able to be here with a case that's so
3 straightforward for you. I know your charge in this
4 proceeding is to look at the factors that are set out by
5 law in -- in ARS 40-360.06.

6 And I think on each of those factors this
7 project comes out ahead. If you look at each of the
8 things, whether it's environmental, cultural, noise,
9 visual, and the others, I think we've provided the
10 evidence that's needed in the records so you can make
11 determinations that you're comfortable that this project
12 checks all those boxes and will be of benefit. And that
13 there is a need for this project, and that it -- it's
14 designed properly to meet those needs without negatively
15 impacting the environment.

16 So with that, I will just, again, thank you
17 for -- for your time and just leave you with the one sort
18 of question that came up or that I pointed out at the
19 beginning is as the -- what might appear a little
20 different was the way that it's designed with the
21 optionality as it goes into the substation. I think in
22 the discussion yesterday hopefully we all sort of realize
23 it's really what you do all the time around substations,
24 maybe it was packaged in a little different way, but the
25 idea is just to give them the flexibility that they need

1 to work with the substation owner to get into the
2 substation the way that makes the most sense
3 operationally.

4 And so I hope that you'll see fit to allow
5 us to move forward with this project. And look forward
6 to working through the Conditions with you all. Thank
7 you.

8 CHMN STAFFORD: Thank you.

9 All right. You should receive Chairman's 1
10 and 2. If we could get Chairman's 1, the PDF, on the
11 tablets and emailed to Members Drago, Little, and Fontes.
12 And then put that up on the screen. And then we'll --
13 and Chairman's 2 will be the Word version that we'll make
14 changes to.

15 Who will be the scrivener today, Mr. Rich?

16 MS. CASTEEL: I will be.

17 CHMN STAFFORD: Okay.

18 MR. RICH: I've not received it yet.

19 CHMN STAFFORD: All right. Well, let's
20 take a 10-minute recess to get the CEC pulled up and
21 loaded on everything, and then we'll be able to come back
22 and start deliberations.

23 We stand in recess.

24 MR. RICH: Thank you.

25 (Recessed from 10:47 a.m. until 11:00 a.m.)

1 CHMN STAFFORD: All right. Let's go back
2 on the record.

3 The members should have Chairman's 1, which
4 is the PDF of the draft CEC on the tablets in front of
5 them. The members online should have received an email
6 with those.

7 If we could get Chairman's 2 up on the
8 screen, that's the Word version that we'll make any
9 changes to. I'm seeing confirmation on the Zoom that the
10 online members have Chairman's 1.

11 MEMBER DiCICCIO: Mr. Chair, are we on
12 Chairman 1?

13 CHMN STAFFORD: Yes.

14 MEMBER DiCICCIO: Okay. Just want to make
15 sure.

16 MR. RICH: Ms. Casteel, you have control of
17 the left screen; is that correct?

18 MS. CASTEEL: I do. So, yeah, Chairman
19 Exhibit 2 is on the left-hand side here that I have
20 control of.

21 CHMN STAFFORD: Okay.

22 MEMBER HILL: Ms. Casteel is our scrivener?

23 MR. RICH: She is.

24 MEMBER HILL: Mr. Chair, if you're ready to
25 proceed, at least for discussion purposes, I will move

1 approval of the Project Description.

2 CHMN STAFFORD: Well, we're on the -- we
3 haven't done the Introduction yet. I can move that one
4 for a vote.

5 MEMBER HILL: I move approval of the
6 Introduction.

7 MEMBER DiCICCIO: Second.

8 CHMN STAFFORD: Further discussion?

9 Of course we'll need to fill in the actual
10 vote count after it happens. And then I do notice that
11 the caption says, "Proposed Certificate," the "proposed"
12 will come off once it's finalized.

13 The Introduction has been moved and
14 seconded. All in favor say aye.

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, the
19 Introduction is adopted.

20 On to the Project Description.

21 MEMBER HILL: Mr. Chair, I move approval of
22 the Project Description.

23 MEMBER DiCICCIO: Second.

24 CHMN STAFFORD: Further discussion?

25 MEMBER HILL: Yes.

1 CHMN STAFFORD: Member Hill?

2 MEMBER LITTLE: Mr. Chairman --

3 CHMN STAFFORD: Yes, Member Little.

4 MEMBER LITTLE: I'm sorry, did I interrupt
5 you, Member Hill?

6 MEMBER HILL: Yes, but I have a couple of
7 little things.

8 CHMN STAFFORD: All right.

9 MEMBER HILL: So in line 22, I want to
10 suggest that we say, "The proposed nonjurisdictional
11 200-megawatt Wild Stallion battery energy storage
12 facility," are folks good with that?

13 MR. RICH: Yes. The applicant is.

14 MEMBER HILL: So I move that addition, if
15 someone will second.

16 MEMBER DiCICCIO: Second.

17 MEMBER LITTLE: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say aye.

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, the amendment
25 to the Project Description is adopted.

1 And I would point out that that sentence on
2 line 23, page 2, the "and" should be a "to."

3 MR. RICH: Ah, good point.

4 MEMBER LITTLE: Thank you.

5 MR. RICH: Mr. Chairman, can you say that
6 one more --

7 MEMBER DiCICCIO: So moved.

8 CHMN STAFFORD: Further discussion? Oh
9 wait, was there a second?

10 MEMBER HILL: Second.

11 CHMN STAFFORD: Further discussion?

12 MEMBER DiCICCIO: Yes.

13 CHMN STAFFORD: All in favor say aye.

14 MEMBER DiCICCIO: Mr. Chair -- Mr. Chair --
15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, the amendment
19 is adopted.

20 That was on page 2, line 23, the "and"
21 should be a "to," because it's running west to east from
22 the proposed nonjurisdictional BESS to the existing APS
23 Trilby Wash Substation.

24 MEMBER LITTLE: Mr. Chairman?

25 CHMN STAFFORD: Member Little.

1 MEMBER LITTLE: Technically, it should be
2 "and," it should be the way it was originally written,
3 since the power is going to flow both directions;
4 however, I am happy with the way you've written it.

5 CHMN STAFFORD: Well, we're just talking
6 about the line itself, not how the power's going to flow,
7 so, that's my --

8 MEMBER LITTLE: Well, who is to say that it
9 runs from the BESS to the substation or the substation to
10 the BESS.

11 CHMN STAFFORD: Well, they put west to
12 east, so it's starting to west, it goes from that western
13 point to the eastern point. It could very easily be
14 phrased the other way, but I guess it's phrased this way
15 because the eastern end is the one that has multiple
16 potential connection points, depending on what APS wants
17 to do going to their substation.

18 MEMBER LITTLE: Okay.

19 CHMN STAFFORD: Member Fant?

20 MEMBER FANT: (No audible response.)

21 CHMN STAFFORD: All right. And for the
22 rest of the -- we need to get the thing moved, as
23 amended.

24 MEMBER HILL: Well, I want to talk about
25 another amendment.

1 CHMN STAFFORD: Uh-huh. By all means.

2 MEMBER HILL: It's mostly a simplification.
3 The idea of all of these options with specific
4 measurements, there's part of me that wants the map to
5 reflect that the corridor goes around the substation and
6 drop the language about option A, B, and C, and in part
7 because these metrics feel like -- I don't know, I -- it
8 feels like we are approving something that is way more
9 complex than it needs to be.

10 And so I don't know how my colleagues feel.
11 I think it's most important that the map matches that it
12 goes into this substation and could be approached on
13 either side. And giving you that flexibility. I don't
14 know, I --

15 MR. RICH: Mr. Chairman, Member Hill, I
16 don't think we're opposed to that at all. I think we'd
17 be in favor of that.

18 MEMBER HILL: Okay.

19 MR. RICH: As long as we can preserve the
20 same optionality and the same amount of space that we've
21 set aside.

22 CHMN STAFFORD: Member Fontes, you had a
23 question or comment?

24 MEMBER FONTES: Two. One, I think that's
25 about right, because the letters council when they review

1 this for due diligence, Mr. Rich, is going to look at
2 that. So you've got that right. I agree with you on
3 that.

4 And, two, does the title matter? Because
5 you use "BESS" and "battery energy storage system"
6 throughout the document, but your title is missing
7 "battery." I don't know, Mr. Chairman, I defer to you,
8 but I know you like consistency.

9 CHMN STAFFORD: Let's see, do you refer to
10 the BESS any other places other than the Project
11 Description?

12 MEMBER FONTES: Seems like we're
13 authorizing a battery energy storage system and a
14 gen-tie.

15 CHMN STAFFORD: That's what the project is,
16 it's the transmission line. It doesn't include the --
17 that's why we added the language "nonjurisdictional."

18 MEMBER FONTES: Yeah, your call. I know
19 you like consistency, so just pointing that out for you.

20 CHMN STAFFORD: Oh, are you talking about
21 in the description?

22 MEMBER FONTES: Correct.

23 CHMN STAFFORD: Well, I think we're about
24 to strike all of that, aren't we?

25 MEMBER HILL: I -- I think so. I was kind

1 of going over in my head what the edit might look like.
2 But I -- I -- like even, you know, the project substation
3 is anticipated to be, like, let's just not anticipate,
4 let's just describe the project corridor that's on the
5 map in -- do you see what I'm saying? And then, like,
6 leave it at that. And I'm not sure exactly how to edit
7 that on the fly, but I'm open to the applicant
8 simplifying this. And not anticipating exactly where
9 everything is, just give them the corridor.

10 MEMBER LITTLE: Mr. Chairman?

11 CHMN STAFFORD: Yes, Member Little.

12 MEMBER LITTLE: How about just eliminating
13 everything between, on line 8, I believe it is, on -- I'm
14 not sure which one I'm working from here.

15 CHMN STAFFORD: Chairman's 1.

16 MEMBER LITTLE: I know, but I'm -- so I'm
17 looking at on line 10 of page -- what is that, 2 or 3?

18 CHMN STAFFORD: 3.

19 MEMBER LITTLE: 3. On page 3, line 10,
20 eliminate everything after the paren options A and C. So
21 eliminating for option A, the project would blah, blah,
22 blah, blah, blah, blah, blah, all the way up to the final
23 right-of-way. So then it would read "south for
24 approximately 83 feet until terminating at the north side
25 of the Trilby Wash Substation (option B.)"

1 CHMN STAFFORD: Okay. I'm not --

2 MEMBER LITTLE: "The final segment also
3 allows for two additional options for interconnection
4 with the Trilby Wash Substation (Options A and C.) The
5 final right-of-way for the project will be 165 feet."

6 MEMBER FANT: So moved.

7 CHMN STAFFORD: Wait, I'm not clear what
8 the hell you're talking about here, because I don't think
9 that was line 10. Because you have Option B first
10 appears in line 8.

11 MEMBER LITTLE: Right.

12 CHMN STAFFORD: So to leave in option B,
13 and don't say what option A and C are, that doesn't make
14 any sense to do that.

15 MEMBER LITTLE: Oh, I see what you're
16 saying, okay. Never mind.

17 MEMBER FANT: Mr. Chair?

18 CHMN STAFFORD: Hang on a second.

19 So that first part, just looking at page 3,
20 lines 1 through 8. That's talking about how you get to
21 the --

22 MEMBER HILL: Substation.

23 CHMN STAFFORD: -- Trilby Wash Substation.
24 And then it's ends on the same page, going to the north
25 side. So it seems like you'd have to take it -- you'd

1 have to make the change starting after -- in line 8 and
2 so "until terminating at the Trilby Wash Substation,"
3 period.

4 MEMBER HILL: I like that.

5 CHMN STAFFORD: And then you cut everything
6 else until you get to "The final right-of-way width for
7 the project will be 165 feet." Because that way you have
8 the corridor that's in Exhibit A, that's described that
9 allows you to enter the substation from the north, the
10 south, or the east. The only direction that's not
11 permitted is the west side, and I presume there's a
12 reason for that, because the applicant didn't ask for
13 that.

14 MR. RICH: Right. Mr. Chairman, can you
15 say one more time what you would then delete as a result
16 of that?

17 CHMN STAFFORD: Okay. So it would be --
18 looking at Chairman's 1, page 3, starting at line 8, it
19 says, "Mile" paren, comma, "until terminating at the"
20 strike "north side of the" leave "Trilby Wash
21 Substation," delete "option B" in the paren, and then
22 just leave the period. And then strike everything else
23 until you get to "The final right-of-way," the last
24 sentence of the paragraph.

25 MEMBER FANT: So moved.

1 MEMBER HILL: Second.

2 MR. RICH: I'm sorry, I'm not, for whatever
3 reason, that didn't track with what I'm looking at here.
4 I just want to make sure I see it on the screen. And
5 it's probably correct, Mr. Chairman. I appreciate your
6 help working with us, but I'd like the opportunity to
7 just be able to confirm.

8 CHMN STAFFORD: Yes. So we're in further
9 discussion. We're waiting for it to appear on the
10 screen. We have -- we need 2 on the screen, not 1.

11 MR. RICH: I'll make that adjustment. So
12 does that, what's on the screen on the left there,
13 Mr. Chairman, accurately reflect what you were -- I think
14 we would need to do more with that.

15 CHMN STAFFORD: I'm still not seeing -- I'm
16 looking at the screen in front of me. I'm not
17 seeing -- is this --

18 MR. RICH: On the left on the top here.

19 CHMN STAFFORD: Yeah, I need to see it
20 here.

21 MR. RICH: Yeah. So we'd have to --

22 CHMN STAFFORD: So we're broadcasting -- it
23 looks like we're broadcasting Chairman's 1 instead of
24 Chairman's 2, because I'm looking at the broadcast screen
25 in front of me. That way the members online can see the

1 change too.

2 MS. CASTEEL: I attempted to follow your
3 changes for lines 8 through 10, if those look correct.

4 CHMN STAFFORD: Well, I'm waiting for Peaks
5 to get it on the broadcast screen.

6 MS. CASTEEL: Okay. I got you.

7 CHMN STAFFORD: So then the members online
8 can see it, what the changes are. And I'll be able to
9 see it closer to me, so I -- because I have Chairman's 2
10 on -- Chairman's 1 here on the tablet in front of me. I
11 want the Chairman's 1 what the changes are on the other
12 tablet, so I know what the members online are seeing.

13 MR. RICH: I know the applicant would
14 certainly want to make sure that this language
15 incorporates the amount of space on the north and the
16 south side of the substation that they need, and I'm not
17 sure, I think we lose that specificity with this, but I'm
18 sure we can work that in here.

19 CHMN STAFFORD: Well, I'm looking at the
20 placemat, which I'm assuming is going to be the Exhibit
21 A. It has dimensions for the corridor around the
22 substation.

23 MR. RICH: Correct.

24 MEMBER HILL: I'm -- I'm even okay with the
25 ability to -- it terminates at the substation with the

1 ability to enter the north or the south side of the
2 substation. What, it's like 165 feet, or something like
3 that.

4 MR. RICH: The north -- the west, the
5 north, or the south, yeah, that could --

6 MEMBER HILL: Yeah. Yeah.

7 MR. RICH: We appreciate that.

8 MEMBER HILL: Well, terminating at the
9 substation allows to go in from the west and then adding
10 the north or south.

11 MR. RICH: I think from a -- and I'm
12 imagining writing a letter associated with financing --
13 I'd maybe be curious why it doesn't say "west," and so I
14 don't think it changes anything to say west as well, just
15 the absence of it might create some confusion.
16 Appreciate it.

17 MEMBER FONTES: That was my observation as
18 well, Mr. Rich. You want to make sure that it has all
19 access, because you don't know what that Facility Study
20 is going to be from APS. And on that illustrative case
21 that I pointed out to you, that was the issue. APS
22 changed it and it hadn't been reviewed, so all directions
23 is best.

24 MR. RICH: Yeah, we would -- we would --

25 CHMN STAFFORD: But it won't be the east

1 side.

2 MR. RICH: Correct.

3 CHMN STAFFORD: Okay. There we go.

4 MR. RICH: So the suggestion was made,
5 then, to clarify after that where it -- to add that it
6 can interconnect to the -- I don't know what order you
7 want to put them in -- but the north, west, and south
8 sides of the substation.

9 CHMN STAFFORD: Okay. So we're looking at
10 the page -- so we're looking at the line --

11 MR. RICH: 10.

12 CHMN STAFFORD: -- 10 of Chairman's 1
13 there -- Chairman's 2, excuse me.

14 MR. RICH: I think it would actually say
15 "terminating at Trilby Wash Substation and
16 interconnecting."

17 CHMN STAFFORD: Will be entering --
18 "entering Trilby Wash substation from the west, north, or
19 south."

20 MR. RICH: Okay. That works for us, I
21 think.

22 MEMBER LITTLE: Mr. Chairman?

23 CHMN STAFFORD: Yes, Member Little.

24 MEMBER LITTLE: Should we put something in
25 there about these options would enable, something about

1 working with APS? In other words, you know, we're
2 talking -- this is not complicated, we just need the
3 option of approaching the substation in the way that the
4 owner says that we should.

5 CHMN STAFFORD: I don't think we need to
6 clarify that, because we've done many of these where the
7 corridor extends around the majority of the substation
8 where it's going to terminate to allow them flexibility
9 to go into that substation from the operator's -- where
10 the operator wants them to.

11 MEMBER LITTLE: Well, I agree. I was just
12 wondering if it would aid along the lines of what Member
13 Fontes has pointed out, as far as the financing people
14 looking at it. They may not be -- they may wonder why.
15 But I don't care.

16 MR. RICH: Mr. Chairman, Member Little,
17 from my perspective, I don't think we need that in this
18 situation.

19 MEMBER LITTLE: Okay. Thank you.

20 MEMBER FONTES: Member Little, I think
21 you're covered. What I was worried about is the last
22 pole they wanted higher in terms of an increase in height
23 structure in terms of the 230-kV in the example that I
24 had, and then they changed the cardinal direction from
25 which it was coming from. So that's why I'm trying to

1 give the applicant most flexibility here, so I think,
2 too, as we note here, it's covered.

3 MEMBER LITTLE: Okay. Good.

4 MR. RICH: And then, Mr. Chairman, in
5 keeping with that, you would then delete all the way down
6 until line 17. And then I think that would close out --
7 and appreciate the committee's attempt and follow-through
8 on simplifying this.

9 CHMN STAFFORD: All right. Let me review
10 the language we've got up on the Chairman's 1. Okay.
11 That looks good except for if you scroll up to -- okay,
12 again, now we're looking at 2 instead of 1. Line 2, it
13 says, "The route for the project features three options
14 for entering the substation."

15 MR. RICH: Right. So that's a good point.
16 It looks like it should just go "The route originates"
17 and delete everything in between.

18 MEMBER HILL: "At the project substation,"
19 period. And I would strike the next -- which is
20 anticipated to be to the -- I just don't think --

21 CHMN STAFFORD: I don't think we need to
22 take that out. I mean, you've got -- because you've got
23 the -- the way I see it is when we got -- Exhibit A is
24 going to -- that's where the information that went to the
25 corridor is, that's where -- so I think what you would

1 do, because we're eliminating references to option A,
2 option B, and option C, you're going to want to change
3 the map to reflect that. So it would just be we end up
4 leaving the red line going straight into there with the
5 corridor to the north and to the south. So when you --
6 but just the main road -- just leave the one straight
7 into it, coming from the west side. But then they can
8 put it anywhere in that corridor. Because that's what
9 that corridor means.

10 MEMBER HILL: Okay.

11 MR. RICH: So we will then --

12 CHMN STAFFORD: So you wouldn't say "The
13 route," you would say "The Project Corridor originates at
14 the project substation." And I don't think you need
15 to -- I don't think you need to put where it's going to
16 be in the BESS facility, because it could be anywhere in
17 that corridor. So you could put the substation
18 anywhere -- we don't have jurisdiction on that, but it
19 says when it exits that -- the generation site, that's
20 when they start measuring for the purposes of a one-line
21 or the first pole outside of that site. So it would be
22 capitalized "the Project Corridor," because we're using
23 that as a defined term.

24 MR. RICH: Well, and I think the corridor,
25 because the project substation isn't finally located yet,

1 the corridor is going to be as depicted on the map, which
2 may, you know, in and of itself run some -- some length
3 north of where the substation actually ends up.

4 CHMN STAFFORD: Right, so --

5 MR. RICH: We could say --

6 CHMN STAFFORD: Because we don't need to
7 define the specific route inside the corridor, that's why
8 we do the corridor.

9 MR. RICH: Yeah.

10 CHMN STAFFORD: So I think a lot of this is
11 kind of superfluous information. We just need to say --
12 we need to describe the corridor and then your -- that
13 corridor is clear for you to put the line anywhere you
14 need to within those parameters, so --

15 MR. RICH: Mr. Chairman, if we were to say,
16 "The project corridor originates adjacent to the BESS
17 facility, and then runs," so we could, after the
18 words --

19 CHMN STAFFORD: Yeah, because we want to
20 describe -- yeah, so we should be describing the project
21 corridor, not necessarily the -- where you plan to put
22 the line within the corridor.

23 MEMBER HILL: That's right.

24 MR. RICH: Right. So actually and so I
25 would suggest you could say "The Project Corridor

1 originates adjacent to the BESS facility."

2 CHMN STAFFORD: There you go.

3 MEMBER FONTES: Is that where the step-up
4 transformer is, adjacent to the BESS facility? Just to
5 give you flexibility. Because usually the corridor
6 originates at the step-up transformer, and there's
7 usually a timeline between the BESS and the step-up
8 transformer, and I don't know the layout well enough.

9 MR. RICH: And, Mr. Chairman and Member
10 Fontes, the corridor, the route will start at the first
11 pole outside of the generating facility, outside of the
12 facility itself. And so we have not finally located the
13 substation and where that -- where that transformer will
14 be. It will be somewhere along the eastern edge, we
15 believe, in the southeast corner of the facility, but
16 we've proposed a corridor that runs adjacent to the
17 facility, so that we have flexibility in moving that
18 transformer north or south as we might need to in final
19 design.

20 Does that make sense?

21 MEMBER FONTES: Will the transformer be
22 inside the fence of the BESS site?

23 MR. AKIN: Presently, as we have
24 contemplated our layout, yes, the transformer will be
25 within the block wall stipulated by the City of Surprise

1 draft zoning text amendment language.

2 MEMBER FONTES: Okay. I think you're good.
3 I've seen it both ways, that's why I'm asking.

4 MR. RICH: Yeah. Yeah.

5 CHMN STAFFORD: So it seems like we can
6 even just put -- looking at -- now we're on 2, where it
7 says "all the project" it says, "The project facility's
8 going to be located within the corridor that ranges from
9 165 to 435 feet wide, as shown in Exhibit A, the Project
10 Corridor." And so then do we need anything else until we
11 get to what the final right-of-way would be? Because the
12 corridor is shown in Exhibit A, and Exhibit A has the
13 locations and dimensions of everything for the corridor.

14 MEMBER HILL: I feel like at this point
15 it's attorneys talking to attorneys. Let us know what
16 you recommend. Maybe I'm sorry for opening this up. I
17 thought there was a lot there and it made it seem like
18 too much.

19 MR. RICH: Mr. Chairman, if this sentence,
20 starting at the end of line 2 were to read, "The Project
21 Corridor originates adjacent to the BESS facility," and
22 then we deleted down to -- through line 5, and then said,
23 "and extends" --

24 CHMN STAFFORD: Well, if you can just
25 describe the corridor, I guess you'd say, "The Project

1 Corridor originates adjacent to the BESS facility,
2 extends south," and this looks like it's -- the corridor
3 is 200 -- is 2,260 feet long at that point, and it's
4 460 feet wide. And then it turns east and runs for
5 approximately 1.3 miles, so it's just because you set it
6 up this way --

7 MR. RICH: Yeah, yeah.

8 CHMN STAFFORD: -- there's a lot of the
9 description more of what the project would be as opposed
10 to Project Corridor.

11 MR. RICH: Right.

12 CHMN STAFFORD: I didn't attempt to
13 undertake these changes on my own, because I figured,
14 well, this is the description that the applicant asked
15 for, they are going to --

16 MEMBER DiCICCIO: I think you're correct
17 about that -- sorry. Yeah. Yeah, yours is a lot more
18 simple as well.

19 MEMBER HILL: I also think we should
20 describe the corridor and not the route just to give you
21 maximum flexibility.

22 CHMN STAFFORD: And then when we get to A,
23 we can just leave the red line and say, "anticipated
24 route within the corridor," we don't need to put that, we
25 can put antici- -- you know --

1 MEMBER HILL: Preliminary route.

2 CHMN STAFFORD: Yeah. Realizing that's why
3 we approve a corridor, because there may be needs to move
4 it somewhere within that area.

5 MS. CASTEEL: So I'm trying to simplify the
6 statement. So it's just the corridor. Do we also want
7 to describe the route or just the corridor --

8 CHMN STAFFORD: Just the corridor.

9 MS. CASTEEL: -- for readability?

10 CHMN STAFFORD: At this point it's probably
11 worth just trying to start, okay, from scratch and move
12 that through there. And then we'll read it and I will
13 hear the motion as to change it to.

14 MR. RICH: So we can say "The Project
15 Corridor originates adjacent to the northeast corner of
16 the BESS facility and then extends south," I think
17 that --

18 CHMN STAFFORD: I don't -- too many
19 directions. I think Exhibit A, a picture's worth a
20 thousand words.

21 MR. RICH: Yeah, no, I agree.

22 MS. CASTEEL: So, yeah, I do have "up to,"
23 just to allow for flexibility there. "And then east for
24 approximately 1.3 miles until it reaches the Trilby Wash
25 Substation from the north, west, or south."

1 MR. RICH: That works.

2 CHMN STAFFORD: All right. Can you remove
3 the tracked changes so we can see what we're actually
4 looking at, because this is very busy and difficult to
5 see.

6 MEMBER HILL: We got a whole page out of
7 this.

8 CHMN STAFFORD: If we could just do the
9 broadcast stream with just the -- there you go.

10 Okay. We're not going to say "entering"
11 because the corridor doesn't enter the substation before
12 reaching the Trilby Wash Substation to allow the project
13 to enter the substation from any of those three
14 directions.

15 MR. RICH: It should be "the Project,"
16 capital P.

17 MS. CASTEEL: Is there a preference in feet
18 versus miles?

19 CHMN STAFFORD: Miles. I mean, it says,
20 looking at Exhibit A, it says 1.3 miles. I think
21 everyone knows that a mile is 5,280 feet, so if they want
22 to do the conversion, they can do the math. Oh, you're
23 talking about the south one, just leave that -- because
24 it's -- I would do it consistent with what's on Exhibit
25 A, unless you want to change Exhibit A.

1 MS. CASTEEL: Okay. I can leave it.

2 CHMN STAFFORD: Okay.

3 MR. RICH: Looking over it. Are you
4 comfortable with that revision?

5 CHMN STAFFORD: Hang on. I'm still looking
6 at the language here.

7 MR. AKIN: Would it be possible to adjourn
8 for maybe 5 or 10 minutes so we can briefly, as a team,
9 discuss the way this is contemplated?

10 CHMN STAFFORD: Let's get the language
11 locked down from the committee first here.

12 MEMBER HILL: And by "committee," he means
13 the chair.

14 CHMN STAFFORD: Well, all of us --

15 MEMBER HILL: We'll vote on it.

16 CHMN STAFFORD: Yeah.

17 MR. RICH: And maybe then we could, if it
18 makes sense, we could move through the other ones and
19 then before we finalize everything we could have a minute
20 to break, and just in case there's other issues that come
21 up along the way.

22 CHMN STAFFORD: Wait a second.

23 MR. RICH: Because we're going to have
24 to -- this change will then have to be made to other
25 provisions, not in as much detail, but there were some

1 references to A, B, and C throughout, just to make sure
2 we clean all those up too.

3 MEMBER DiCICCIO: You're going to need more
4 than 10 minutes to do that.

5 MR. RICH: Oh, we -- we -- Mr. Chairman,
6 Member DiCiccio, no, I didn't suggest that it's going to
7 take only 10 minutes to go through the rest of this, I
8 just mean maybe it makes sense before we break, to go
9 through the rest of this in case there's other issues
10 that arise, and then if we could have a minute before you
11 vote at the end to make sure that they're comfortable
12 with this change, it might just be an efficient way to
13 handle it.

14 MEMBER DiCICCIO: Okay.

15 CHMN STAFFORD: Okay. So I'm looking at --
16 so looking at the Exhibit 2, line 27, after it says,
17 "Exhibit A, the Project Corridor," it says, "The Project
18 Corridor originates adjacent to the BESS facility,
19 extends south up to 2,266 feet, then east for
20 approximately 1.3 miles until reaching the Trilby Wash
21 Substation, where it extends around the north and south
22 of the substation." Because we don't need to put --
23 looking back, it should just describe the corridor.

24 MR. RICH: Okay.

25 CHMN STAFFORD: Until the -- and "the

1 Trilby Wash Substation where it extends to the" -- or
2 "envelopes the north and south," something like that.
3 Just because it's just describing the corridor, because
4 we don't need -- and then they can put the line anywhere
5 within that.

6 MR. RICH: How about "where it surrounds
7 the north and south"?

8 CHMN STAFFORD: Or just, like, "until
9 reaching the Trilby Wash Substation, where it
10 extends" -- "where it encircles," or something like that,
11 "the north, west, and south sides," because that's where
12 it is. Or it just surrounds.

13 MS. CASTEEL: And south?

14 CHMN STAFFORD: And south.

15 MR. RICH: Mr. Chairman, from my
16 perspective, that works right now. I guess I would --

17 CHMN STAFFORD: Do you want to have a brief
18 recess to discuss with your team and then come back in
19 about five minutes?

20 MR. RICH: If that's your preference or we
21 can go through the rest of this stuff and then before
22 we're finished, we can do that, whatever your preference
23 is.

24 CHMN STAFFORD: Let's do that. I'd like to
25 get it -- because the change we make here is going to

1 influence changes further on, so I'd rather get this
2 locked down because the Project Description, a lot is
3 going to stem from that, because when you go back --
4 because it will determine what we do with Exhibit A. We
5 obviously have to change Condition 1 to eliminate the
6 reference to the options, so I think that would make
7 sense.

8 Let's take a five-minute recess.

9 MEMBER DiCICCIO: Mr. Chair?

10 CHMN STAFFORD: Yes, Member DiCiccio.

11 MEMBER DiCICCIO: You're going to even need
12 a little bit more than that, even 15, so that he can go
13 through the other items, not the other items, but
14 wherever this may have an impact on the rest of the
15 project.

16 CHMN STAFFORD: I think we can do that as
17 we go, it's going to be --

18 MEMBER DiCICCIO: You think so?

19 CHMN STAFFORD: Yeah. I think the --

20 MR. RICH: This will just take a minute.

21 CHMN STAFFORD: Because it's referenced in
22 Condition 1. Let me go through it quickly. It's in 20,
23 when we talk about -- if we can just -- in 20, we can
24 just zap that out of there so it looks like the normal
25 CEC. I think that's about it. So I don't think this --

1 once we get the description locked down of the corridor,
2 I think everything else will go much more smoothly.

3 MR. RICH: Thank you, Mr. Chairman. I --
4 we think five -- five minutes will be fine.

5 CHMN STAFFORD: Excellent. Let's take a
6 five-minute recess.

7 (Recessed from 11:39 a.m. until 11:48 a.m.)

8 CHMN STAFFORD: Let's go back on the
9 record.

10 If we can get Chairman's 2 up on the
11 screen.

12 MR. RICH: Mr. Chairman, we appreciate the
13 opportunity you gave us to confer, and we are comfortable
14 with the changes that were made. I appreciate your hard
15 work on that.

16 CHMN STAFFORD: Okay. I'm seeing 1 up on
17 the -- oh, wait, here we go.

18 Okay. So I look -- we'll make the
19 amendment to Chairman's 1, so in which case we would,
20 looking at Chairman's 1, page 2, starting at line 27,
21 strike all the language remaining of that section and
22 amend it to read, "The Project Corridor originates
23 adjacent to the BESS facility, extends south up to
24 2,266 feet, then east for approximately 1.3 miles until
25 reaching the Trilby Wash Substation, where it surrounds

1 the substation to the north, west, and south. The final
2 right-of-way width of the project will be 165 feet."

3 So whose motion was it? Or somebody needs
4 to make the motion now.

5 MEMBER FANT: So moved.

6 MEMBER LITTLE: So moved.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

10 CHMN STAFFORD: All in favor say aye.

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, the amendment
15 is adopted.

16 All right. Are we now finally ready to
17 move the Project Description, as amended?

18 MEMBER MERCER: So moved.

19 MEMBER DiCICCIO: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

22 CHMN STAFFORD: All in favor say aye.

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, the Project
2 Description, as amended, is adopted.

3 On to Conditions.

4 MEMBER HILL: Mr. Chair, I move approval of
5 Condition 1.

6 MEMBER MERCER: Second.

7 CHMN STAFFORD: Further discussion?

8 Looks like we need to remove some language,
9 certainly where it references to options A, B, or C, so
10 we would change the Condition 1 just to read, "This
11 authorization to construct the project shall expire 10
12 years from the date the Certificate is approved by the
13 Commission, with or without modifications."

14 Can I get a motion to amend Condition 1 to
15 reflect that change?

16 MEMBER HILL: So moved.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say aye.

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Can I get a motion to adopt
23 Condition 1, as amended?

24 MEMBER HILL: So moved.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: Further discussion?

2 (No response.)

3 CHMN STAFFORD: All in favor say aye.

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 1,
8 as amended, is adopted.

9 Number 2.

10 MEMBER MERCER: Mr. Chairman, I move
11 Condition 2.

12 MEMBER HILL: Second.

13 CHMN STAFFORD: Further discussion?

14 MEMBER FONTES: Mr. Chairman?

15 CHMN STAFFORD: Yes, Member Fontes.

16 MEMBER FONTES: Do we have an obligation to
17 notify the Department of Air Force or Luke Air Force Base
18 in this case here?

19 CHMN STAFFORD: I'm looking to the
20 applicant. Was that going to be addressed through the
21 permitting process with the City for the BESS and then
22 through the State Land Department for the transmission
23 line?

24 MS. AIELLO: Our coordination with Luke Air
25 Force Base is ongoing. As it relates to specifically the

1 permitting processes with both Surprise and Maricopa
2 County, I'm not quite sure I understand the question.

3 MR. RICH: So I think this Condition
4 requires the applicant to notify certain jurisdictional
5 parties if after 10 years this hasn't been built and
6 we're seeking extension of it for additional time. It
7 doesn't include Luke Air Force Base, but I think in
8 independent dealings with Luke Air Force Base, I'm sure
9 that they'll let us know what their requirements are. I
10 don't know that we need to have a separate requirement
11 here, but I don't know that we would object to whatever
12 the committee's preference is on that.

13 MEMBER HILL: Mr. Chair?

14 CHMN STAFFORD: Yes, Member Hill.

15 MEMBER HILL: Was that included in the
16 Baccara case, because I don't remember it being included
17 in the Baccara case.

18 CHMN STAFFORD: Right. Because they
19 specifically needed a determination by the Air Force Base
20 because of the proximity to the airfield was that -- but
21 then it was the County that was making the determination
22 and recommendation to the Air Force Base. So it was
23 addressed through the County entitlement process.

24 MEMBER HILL: That's right. That's right.
25 I don't know that we need it here.

1 CHMN STAFFORD: Did you wish to offer an
2 amendment, Member Fontes?

3 MEMBER FONTES: No, it was a question posed
4 to you, Mr. Chairman, do we need it?

5 CHMN STAFFORD: I think not.
6 Condition 2 has been moved and seconded.
7 Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.
10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?
12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 2
14 is adopted.

15 Number 3.

16 MEMBER HILL: Mr. Chair, I move approval of
17 Condition 3.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion?
20 (No response.)

21 CHMN STAFFORD: All in favor say aye.
22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?
24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 3

1 is adopted.

2 Number 4.

3 MEMBER HILL: Mr. Chair, I move approval of
4 Condition 4.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

8 CHMN STAFFORD: All in favor say aye.

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 4
13 is adopted.

14 Number 5.

15 MEMBER MERCER: Mr. Chairman, I move
16 approval of Condition 5.

17 MEMBER HILL: Second.

18 CHMN STAFFORD: Further discussion?

19 After our conversation earlier, I added
20 back in the Exhibit B. I think the applicant has
21 prepared an Exhibit B for this?

22 MR. RICH: We -- we have. Would you like
23 us to share it on the screen or --

24 CHMN STAFFORD: No, we'll get to the --

25 MR. RICH: -- submit it to you after the

1 fact?

2 CHMN STAFFORD: Well, we'll discuss it when
3 we adopt it later, but at this point, since we're putting
4 the language in Condition 5, there will be an Exhibit B.
5 And when we get to vote on what the Exhibit B will be,
6 then we'll discuss what needs to be in it and vote on
7 that. Whether or not you can physically produce that
8 Exhibit B for us today, I don't think we need to, because
9 I think we're going to have you make changes to Exhibit A
10 as well.

11 We're not going to sit here and wait for
12 those to happen. We'll just tell you what they are and
13 then when you submit the documents to my office before to
14 be finalized and filed with the Commission, we'll have
15 the record, so I'll know I can ensure that those changes
16 have taken place on the docket before I file it with the
17 Commission.

18 MR. RICH: Okay.

19 CHMN STAFFORD: All right. Condition --
20 Condition 5 has been moved and seconded.

21 Further discussion?

22 (No response.)

23 CHMN STAFFORD: All in favor say aye.

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Condition 5
3 is adopted.

4 Number 6.

5 MEMBER HILL: Mr. Chair, I move approval of
6 Condition 6.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: Further discussion?

9 (No response.)

10 CHMN STAFFORD: All in favor say aye.

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, Condition 6
15 is adopted.

16 Number 7.

17 MEMBER HILL: Mr. Chair, I move approval of
18 Condition 7.

19 MEMBER MERCER: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

22 CHMN STAFFORD: All in favor say aye.

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 7
2 is adopted.

3 Number 8.

4 MEMBER HILL: Mr. Chair, I move approval of
5 Condition 8.

6 MEMBER MERCER: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.
10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 8
14 is adopted.

15 Number 9.

16 MEMBER HILL: Mr. Chair, I move approval of
17 Condition 9.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 CHMN STAFFORD: All in favor say aye.
22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 9

1 is adopted.

2 Number 10.

3 MEMBER HILL: Mr. Chair, I move approval of
4 Condition 10.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

8 CHMN STAFFORD: All in favor say aye.

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 10

13 is adopted.

14 Number 11.

15 MEMBER HILL: Mr. Chair, I move approval of
16 Condition 11.

17 MEMBER MERCER: Second.

18 MEMBER LITTLE: Second.

19 MEMBER DiCICCIO: Slow down.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

22 CHMN STAFFORD: All in favor say aye.

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 11
2 is adopted.

3 Number 12.

4 MEMBER HILL: Mr. Chair, I move approval of
5 Condition 12.

6 MEMBER LITTLE: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.
10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 12
14 is adopted.

15 Number 13.

16 MEMBER HILL: Mr. Chair, I move approval of
17 Condition 13.

18 MEMBER MERCER: Second.

19 MEMBER LITTLE: Second.

20 CHMN STAFFORD: Further discussion?

21 (No response.)

22 CHMN STAFFORD: All in favor say aye.
23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 13
2 is adopted.

3 Number 14.

4 MEMBER HILL: Mr. Chair, I move approval of
5 Condition 14.

6 MEMBER LITTLE: Second.

7 CHMN STAFFORD: Further discussion?

8 (No response.)

9 CHMN STAFFORD: All in favor say aye.
10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, Condition 14
14 is adopted.

15 Number 15.

16 MEMBER HILL: Mr. Chair, I move approval of
17 Condition 15.

18 MEMBER MERCER: Second.

19 CHMN STAFFORD: Further discussion?

20 (No response.)

21 CHMN STAFFORD: All in favor say aye.
22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 15

1 is adopted.

2 Number 16.

3 MEMBER HILL: Mr. Chair, I move approval of
4 Condition 16.

5 MEMBER LITTLE: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

8 CHMN STAFFORD: All in favor say aye.

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 16
13 is adopted.

14 Number 17.

15 MEMBER HILL: Mr. Chair, I move approval of
16 Condition 17.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 MEMBER DiCICCIO: Mr. Chair?

20 CHMN STAFFORD: This was not originally
21 included in the Certificate supplied by the applicant,
22 but I put it back in. I thought it was appropriate to
23 put these in for transmission lines. In my -- does the
24 applicant and the committee members have thoughts on
25 this?

1 Member DiCiccio, you were going to say
2 something.

3 MEMBER DiCICCIO: Yes, I just need, like, a
4 minute to read it. It's brand-new.

5 CHMN STAFFORD: Well, new to this, but
6 not -- we've included it in, like, the last --

7 MEMBER DiCICCIO: Right.

8 CHMN STAFFORD: -- dozen or so, I think.

9 MEMBER DiCICCIO: I just wanted to look
10 at -- just take two seconds.

11 I'm good. Thank you, Mr. Chair.

12 CHMN STAFFORD: Did the applicant review it
13 as well?

14 MR. RICH: Yeah, Mr. Chairman, I think the
15 form that we took from the previous, it didn't have that
16 in there, so we didn't remove it on purpose, it just
17 wasn't in the form that we used, so --

18 CHMN STAFFORD: It's probably for a plant
19 because it didn't have a line, that's why.

20 MR. RICH: Right.

21 We're good.

22 MEMBER DiCICCIO: I'm good, Mr. Chair.

23 CHMN STAFFORD: And the applicant?

24 MR. RICH: Yeah, we're fine.

25 CHMN STAFFORD: All right. Condition 17

1 has been moved and seconded.

2 Further discussion?

3 (No response.)

4 CHMN STAFFORD: All in favor say aye.

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 17

9 is adopted.

10 Number 18.

11 MEMBER HILL: Mr. Chair, I move approval of

12 Condition 18.

13 MEMBER LITTLE: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

16 CHMN STAFFORD: All in favor say aye.

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 18

21 is adopted.

22 Number 19.

23 MEMBER HILL: Mr. Chair, I move approval of

24 Condition 19.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: Further discussion?

2 MEMBER HILL: I do have a little bit of
3 discussion. I think the applicant identified a 50-foot
4 grounding and cathartic protection metric, for lack of a
5 better term, and this says 100 feet. And so I just
6 wanted to make sure that the applicant is good with that
7 100 feet.

8 MS. AIELLO: Yes, confirming we're
9 comfortable with 100 foot.

10 MEMBER HILL: Thank you.

11 CHMN STAFFORD: Right. And this applies to
12 the transmission line.

13 MEMBER HILL: Right.

14 CHMN STAFFORD: All right. Number 19 has
15 been moved and seconded.

16 CHMN STAFFORD: Further discussion?
17 (No response.)

18 CHMN STAFFORD: All in favor say aye.
19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?
21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 19
23 is adopted.

24 Number 20.

25 MEMBER HILL: Mr. Chair, I move approval of

1 Condition 20.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 MEMBER HILL: I just want to look at this
5 one for a minute and make sure.

6 CHMN STAFFORD: Right. I changed it to
7 "Project Corridor" because that's defined previously in
8 the document. That's the right-of-way, and it's
9 confirming with the applicant that 165 feet wide is going
10 to be the right-of-way for this project.

11 MR. RICH: Correct.

12 MEMBER DiCICCIO: Mr. Chair --

13 CHMN STAFFORD: And the maximum height will
14 be 120 feet for the structures?

15 MR. RICH: That's correct.

16 CHMN STAFFORD: Yes, Member DiCiccio.

17 MEMBER DiCICCIO: I think the applicant
18 answered the question that 120 feet was -- I'm lost on
19 that, I thought we were at 150 the whole time.

20 CHMN STAFFORD: No. The application says
21 120.

22 MEMBER DiCICCIO: Okay. Okay.

23 MEMBER HILL: I'm good.

24 CHMN STAFFORD: Okay. Has it been
25 seconded?

1 MEMBER MERCER: Yes.

2 MEMBER LITTLE: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say aye.

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 20
10 is adopted.

11 Number 21.

12 MEMBER HILL: Mr. Chair, I move approval of
13 Condition 21.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: This one will require some
16 further discussion.

17 MEMBER HILL: I want to suggest that we
18 will be removing option A, B, or C. And I think it's
19 identifying whether the project will be constructed.

20 CHMN STAFFORD: Right. So I think it would
21 be "The applicant shall submit a compliance certification
22 letter annually identifying," and then strike everything
23 to the word "progress made with respect to and current
24 status of each condition contained in the certificate."

25 MEMBER HILL: Okay. That's great.

1 MEMBER LITTLE: Doesn't the Commission know
2 which -- well, I guess this is no different than when --
3 since we don't get as -- or, whatever, a facsimile of
4 those that's used in today's world, really, the
5 Commission does not know how an applicant ends up going
6 into a substation when the option exists to come in
7 different ways, so, okay, I'm all right with this.

8 CHMN STAFFORD: Okay.

9 MEMBER HILL: Mr. Chair, I'll move approval
10 of the edits as seen on the screen.

11 CHMN STAFFORD: As I've stated?

12 MEMBER HILL: As you stated in Condition
13 21.

14 MEMBER LITTLE: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

17 CHMN STAFFORD: All in favor say aye.

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, the amendment
22 to Condition 21 is adopted.

23 Can I get a motion to adopt Condition 21,
24 as amended?

25 MEMBER MERCER: So moved.

1 MEMBER HILL: Second.

2 CHMN STAFFORD: Further discussion?

3 (No response.)

4 CHMN STAFFORD: All in favor say aye.

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 21,
9 as amended, is adopted.

10 Number 22.

11 MEMBER HILL: Mr. Chair, I move approval of
12 Condition 22.

13 MEMBER MERCER: Second.

14 CHMN STAFFORD: Further discussion?

15 (No response.)

16 CHMN STAFFORD: All in favor say aye.

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 22
21 is adopted.

22 Number 23.

23 MEMBER HILL: Mr. Chair, I move approval of
24 Condition 23.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: Further discussion?

2 MEMBER FONTES: Mr. Chairman?

3 CHMN STAFFORD: Yes, Member Fontes.

4 MEMBER FONTES: Mr. Rich, Mr. Chairman
5 informed me that the right to assignment and
6 transferability administrative code changed from
7 previous, you may want to double-check that. As you
8 know, my background is project finance and that's
9 probably the one citation I pay attention to. In this 23
10 can you update from last week's hearing on that.

11 CHMN STAFFORD: Yes, they have cited the
12 correct reference to the Arizona Administrative Code,
13 it's been moved to numbers -- it used to be 14 --

14 MR. RICH: 2.

15 CHMN STAFFORD: -- 2, and then it was --
16 no, it was 14-3, and then it was 213, but they moved them
17 wholesale to a chapter 7, so that's the correct citation,
18 I believe. And then I always double-check those before I
19 finalize it and file with the Commission, so we adopt the
20 standard corrections motion. I will double-check it and
21 then if it's off, I will correct it, so --

22 MEMBER FONTES: I just bring that up
23 because it will be important down the road for project
24 financing for your client.

25 MR. RICH: Thank you.

1 CHMN STAFFORD: All right. Condition 23
2 has been moved and seconded.

3 Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say aye.

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 23
10 is adopted.

11 Number 24.

12 MEMBER HILL: Mr. Chair, I move approval of
13 Condition 24.

14 MEMBER MERCER: Second.

15 MEMBER LITTLE: Second.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

18 CHMN STAFFORD: All in favor say aye.

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 24
23 is adopted.

24 Number 25.

25 MEMBER HILL: Mr. Chair, I move approval of

1 Condition 25.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Further discussion?

4 (No response.)

5 CHMN STAFFORD: All in favor say aye.

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 25
10 is adopted.

11 On to the Findings of Fact and Conclusions
12 of Law.

13 MEMBER HILL: Mr. Chair, do you want to
14 take these one at a time or do you want to bundle them?

15 CHMN STAFFORD: I would prefer to bundle
16 them, unless we need to discuss -- I guess we can do that
17 and then we can discuss an individual one, so if I can
18 get a motion to adopt Findings of Fact and Conclusions of
19 Law 1 through 6.

20 MEMBER HILL: So moved.

21 MEMBER MERCER: Second.

22 CHMN STAFFORD: Further discussion?

23 I think we had a discussion about the first
24 one at the last hearing, but I thought we were going
25 to -- we decided to consult with the Commission before

1 making any changes to this kind of form language for the
2 certificates.

3 MEMBER LITTLE: Mr. Chairman, that is
4 correct. In addition, the circumstances here are a
5 little different than they were in the previous hearing
6 to which you are referring. We have gotten a pretty
7 solid statement from Staff on this one. They have had
8 the opportunity to review the system studies that have
9 been done. So I have no comment on this --

10 CHMN STAFFORD: All right. Thank you.

11 MEMBER LITTLE: -- motion.

12 CHMN STAFFORD: Has it been seconded?

13 MEMBER MERCER: Yes.

14 CHMN STAFFORD: All right.

15 Further discussion?

16 MEMBER FONTES: Mr. Chairman?

17 CHMN STAFFORD: Yes, Member Fontes.

18 MEMBER FONTES: I might have missed this,
19 but on item three, environmental compatibility was the
20 lifecycle and we always talk about the decommissioning
21 plan, did the applicant present that follow-up item?

22 CHMN STAFFORD: For -- well, for the
23 transmission line --

24 MEMBER FONTES: Yes.

25 CHMN STAFFORD: -- I seem to recall

1 testimony that any decommission plan will be included in
2 the right-of-way agreement with State Trust Land, the
3 State Land Department.

4 MEMBER FONTES: I might have missed that,
5 but that was where I have was going. Is that correct and
6 then the private land as well?

7 CHMN STAFFORD: Well, the private land,
8 that's for the BESS, which is not within our
9 jurisdiction. But I seem to recall testimony that
10 there's -- in the permit they're getting from the City
11 which is who has jurisdiction over the private land where
12 the BESS will go is that will be addressed through their
13 either Special Use or Conditional Use Permit.

14 MS. AIELLO: It's a battery overlay.

15 CHMN STAFFORD: Okay.

16 MR. RICH: Mr. Chairman, yesterday there
17 was a discussion about the City of Surprise and their
18 requirements around decommissioning, and then we talked
19 about the State Land Department and the agreement that
20 we'll have with them for the right-of-way.

21 CHMN STAFFORD: Okay.

22 MEMBER FONTES: All right. Thank you.

23 MR. AKIN: Just to confirm, I don't believe
24 we'll have to submit a decommissioning plan for ASLD, but
25 there are decommissioning requirements in our agreement.

1 CHMN STAFFORD: Just on a side note, can
2 anyone recall the last time a transmission line was
3 decommissioned?

4 MEMBER FONTES: I can recall when they've
5 been rebuilt from wood pole to steel pole structures and
6 rerouted, so yes.

7 MEMBER DiCICCIO: (Inaudible.)

8 CHMN STAFFORD: I can't hear you,
9 Mr. DiCiccio.

10 MEMBER DiCICCIO: Yeah, but that's a really
11 good point, that's not a decommission, it's just
12 basically rerouting.

13 MEMBER MERCER: Or isn't it an upgrade?

14 MEMBER DiCICCIO: Fascinating.

15 CHMN STAFFORD: Yes, Member Fontes, was
16 that -- would that be a decommission or upgrade going
17 from wood poles to steel poles?

18 MEMBER DiCICCIO: Upgrade.

19 MEMBER FONTES: I don't remember. It might
20 have changed ownership. There's a lot of factors that go
21 into that, both commercially, economically, and then land
22 ownership and then utilization operations.

23 CHMN STAFFORD: All right. Yeah, because
24 I -- because the transmission lines from Navajo
25 Generating Station haven't been decommissioned, they're

1 still in existence, aren't they, even though the plant's
2 been completely demolished?

3 MEMBER FANT: They've been repurposed.

4 CHMN STAFFORD: They're going to repurpose
5 those, yeah. So I think -- I think we can rest on the
6 State Land Department.

7 MEMBER FONTES: This is a gen-tie, and I
8 have seen it for gen-ties on power plants.

9 CHMN STAFFORD: Oh, I can't -- I can't
10 recall ever seeing one here in Arizona. So, but anyway,
11 it will be -- they won't need to to have a
12 decommissioning plan as part of the right-of-way, but
13 they will -- it will be addressed in the right-of-way
14 agreement where they'll have, if and when it is ever
15 decommissioned, they will have to remediate the site
16 within the terms of their right-of-way with the State
17 Land Department, correct, that was the testimony that we
18 had earlier, I believe?

19 MR. RICH: That -- that's my understanding.

20 MS. AIELLO: Correct.

21 CHMN STAFFORD: All right. Thank you.

22 All right. Findings of Fact and
23 Conclusions Of Law Numbers 1 through 6 have been moved
24 and seconded.

25 Further discussion?

1 (No response.)

2 CHMN STAFFORD: All in favor say aye.

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Findings of

7 Fact and Conclusions of Law 1 through 6 are adopted.

8 I didn't move Number 7. We typically don't
9 include that anymore. I think we added it back into one
10 prior case because someone had showed up at the hearing
11 and alleged that someone was playing hide the ball by not
12 including the substation. But we don't site the
13 substations, it's pretty clear from the statute and the
14 Commission's policy, so I don't think it's necessary to
15 put that in there. Unless there's some reason that the
16 applicant feels that it needs to have the statement of
17 the law in the Certificate.

18 MR. RICH: Mr. Chairman, we just used that
19 from the last one that had it, I guess. But with your
20 description there, you weren't intending to suggest that
21 the substation on the site of the battery storage project
22 is somehow jurisdictional?

23 CHMN STAFFORD: No.

24 MR. RICH: And it sounds like we all agree
25 that it's not. So I don't think we --

1 CHMN STAFFORD: It's, like, we don't need
2 to state that the sky is blue in the Certificate either,
3 so --

4 MR. RICH: Yeah, with that, I think we're
5 fine with that.

6 CHMN STAFFORD: All right. On to Exhibit
7 A. Now, let's see, you had in your Hearing Exhibit WS-3,
8 is there an Exhibit A attached to that?

9 MR. RICH: Yes.

10 CHMN STAFFORD: And that is -- now, this
11 one here, it doesn't have the clarity that your placemat
12 does, so my -- what I would ask for, then, would be a
13 motion to adopt side one of Hearing Exhibit WS-8 as the
14 Exhibit A for the Certificate.

15 MEMBER MERCER: So moved.

16 MEMBER HILL: Second. Discussion.

17 CHMN STAFFORD: Further discussion, indeed.

18 MEMBER HILL: I think that we probably need
19 to eliminate interconnection options A, B, and C, and
20 just make it all red and say "preliminary proposed
21 route." And I think -- does any -- or any discussion on
22 that? Anyone's thoughts?

23 CHMN STAFFORD: Right, I think --

24 MEMBER LITTLE: Yes.

25 CHMN STAFFORD: I think what we could do is

1 we have -- the red line is their preferred placement of
2 the line within the corridor, but their -- the corridor
3 allows them to put it anywhere in that area. So I guess
4 we could do this -- what I think we should not do is have
5 all three lines there. I think we should only show it
6 going into the substation from one place. And then --

7 MR. RICH: Mr. Chairman?

8 CHMN STAFFORD: -- because of the way the
9 corridor is shaped, it could be any of those three
10 places.

11 Mr. Rich?

12 MR. RICH: Yeah, Mr. Chairman, I think,
13 given the changes that were made, I guess I'd ask if it
14 would make sense to simply remove the red line altogether
15 and just show the corridor, we're not -- it's not a
16 preferred alternative in the sense that it was or what
17 you would normally see, so I would make that suggestion.

18 CHMN STAFFORD: Okay.

19 MEMBER HILL: I like that.

20 MEMBER LITTLE: I do too, yes.

21 CHMN STAFFORD: So can I get a motion to
22 remove the red, blue, and yellow lines inside the
23 corridor, and then remove them from the cap -- the --

24 MEMBER HILL: Legend.

25 CHMN STAFFORD: -- legend --

1 MEMBER HILL: Yes.

2 CHMN STAFFORD: -- where it says
3 "underneath the CEC corridor."

4 MEMBER HILL: So moved.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 MEMBER FONTES: Mr. Chairman, Member
8 Comstock always likes to entertain the natural gas lines
9 for both --

10 CHMN STAFFORD: We'll get to that -- we'll
11 get to that next. We have a motion to make this change
12 to it.

13 MEMBER FONTES: So we're on further
14 discussion of the change?

15 CHMN STAFFORD: Right. Well, yes, we're on
16 further discussion of this proposed amendment to remove
17 the red, white -- the red, blue, and yellow lines in the
18 corridor and then in the legend. That motion has been
19 moved and seconded.

20 Further discussion?

21 (No response.)

22 CHMN STAFFORD: All in favor say aye.

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, that
2 amendment to Exhibit A is adopted.

3 Member Fontes, you would like to propose to
4 add the natural gas line?

5 MEMBER FONTES: Yes, sir, given the
6 proximity to the project, in yellow, as is the standard
7 color notation that Member Comstock reminds us from the
8 American Natural Gas has issued.

9 MEMBER HILL: If that's his motion, I will
10 second it.

11 CHMN STAFFORD: And that will go along, is
12 that Deer Valley Road, that dirt -- dirt road at the --
13 above the north edge of the proposed BESS facility?

14 MR. RICH: Yes.

15 CHMN STAFFORD: Okay.

16 MS. CASTEEL: I did want to point out that
17 the ALTA survey that was done for the project did confirm
18 the location along Deer Valley Road up into this
19 intersection here, but it does not go further. We assume
20 it continues on to the east, but we don't know that as
21 part of our survey itself. I would say it probably makes
22 more sense to show it going off the page of the map, but
23 just wanted to point that out that we have not confirmed
24 that with our own survey.

25 CHMN STAFFORD: Okay. And do you

1 know -- and how far to the west does the survey confirm
2 the existence of the line?

3 MS. AIELLO: I do believe that it continues
4 past the corridor towards the BESS area.

5 CHMN STAFFORD: And off the map?

6 MS. AIELLO: Yes, I believe so.

7 CHMN STAFFORD: Okay. All right. So
8 how -- we want to add that, if it's -- does it end there?
9 It's -- what road is it? Deer Valley Road runs east and
10 west, correct?

11 MS. AIELLO: Correct.

12 CHMN STAFFORD: Okay. What's that line
13 that runs north, south that the edge of the corridor is?

14 MS. AIELLO: I believe that's --

15 MEMBER HILL: Landfill.

16 MS. CASTEEL: North Landfill.

17 CHMN STAFFORD: Okay. So we don't know
18 where it going after that point?

19 MS. CASTEEL: Not for sure, no.

20 CHMN STAFFORD: Member Fant?

21 MEMBER FANT: Mr. Chair, you might just dot
22 the line to the east.

23 CHMN STAFFORD: Well, I guess that would be
24 one way to do it. If we're adding it, should we add it
25 completely or I guess the other option is we know it's

1 here, but from this point on it's a mystery. Or what
2 would it take for the applicant to confirm where the line
3 ends or if it extends past what's visible on this map?

4 MS. AIELLO: That would require an update
5 to our ALTA survey.

6 CHMN STAFFORD: Okay.

7 MEMBER FANT: What about a phone call to
8 Southwest Gas?

9 CHMN STAFFORD: Yeah, would that -- would a
10 phone call to Southwest Gas accomplish that?

11 MS. AIELLO: We can attempt to do so.

12 CHMN STAFFORD: All right. So --
13 member -- Mr. Rich?

14 MR. RICH: Apologize, I spoke over you.
15 Mr. Chairman, yeah, I guess I'm not certain that will
16 work out or in what time line that will result in us
17 getting a response. But we can certainly try that if the
18 committee would like. Happy to do that.

19 CHMN STAFFORD: I'm looking to the members.
20 There's a motion to add the natural gas line, are we
21 going to add it for what's known and potentially have
22 additional lines that aren't on the map that we're
23 unaware of presently?

24 Member DiCiccio?

25 MEMBER DiCICCIO: Mr. Chair, we've done

1 that in other cases, if I remember correctly, did we not
2 do that?

3 CHMN STAFFORD: We've added the lines, but
4 we knew where they were.

5 MEMBER DiCICCIO: Right.

6 CHMN STAFFORD: It wasn't, well, we know it
7 goes this far, but beyond that it's a mystery, we haven't
8 added those.

9 MEMBER DiCICCIO: Did we not -- I can't
10 remember the case -- but did we not ask the applicant to
11 reach out to see if there were lines?

12 CHMN STAFFORD: I believe, because that
13 case there was a natural gas line and it had a weird
14 little spur off that went to a biomass facility.

15 MR. RICH: Mr. Chairman, one potential
16 solution, if I may, would be to cut the east side of the
17 map at the end of the unknown area there, we could --
18 which is the end of the corridor as well, we could make
19 the east end of the map coincide with the east end of the
20 corridor. I don't know if that --

21 MEMBER DiCICCIO: Mr. Chair?

22 CHMN STAFFORD: Yeah, Member DiCiccio.

23 MEMBER DiCICCIO: May I respond real quick,
24 Court? The reason we're doing that, we had a long
25 discussion early on, I think sometime, I even think it

1 was last year, we're trying to do as much as possible,
2 get as much of -- as many things identified as possible
3 for future committees. We're growing so fast as a -- as
4 a state, and the more information we can provide future
5 lines committee members or future commissioners, the
6 better off we're going to be in the future.

7 So we're just trying to find a way to get
8 as much accomplished as possible for future individuals.
9 That's what we're trying to do.

10 MR. RICH: And we have no objection to
11 that. We're happy to do it.

12 CHMN STAFFORD: Member Fontes?

13 MEMBER FONTES: Member DiCiccio, thank you.
14 I'm going to remind our members that Member Comstock
15 always refers applicants to the NPMS Public Map Viewer,
16 which is run by the Department of Transportation's GIS
17 system, which has all the national pipeline mapping
18 systems. And you should be able to go down and look at
19 this to see if there's transmission pipelines. That's
20 what he tends to worry about because of the Western
21 Interconnect in terms of gas.

22 So I would orient you on that just to echo
23 him in his absence on the references. I actually took
24 copious notes because he's very educational on this for
25 us. And also he focuses on any kind of compression or

1 safety systems on that that he likes to see on the maps
2 due to the additional safety hazards on that. Hope
3 that's helpful, Mr. Chairman.

4 CHMN STAFFORD: Yeah, but this -- my
5 recollection of the testimony --

6 MEMBER FONTES: It's a GIS --

7 CHMN STAFFORD: -- is that this is a
8 distribution line and not a transmission line for the
9 gas. It's a smaller, lower-flow pipeline than what we
10 had put on maps previously.

11 MEMBER FONTES: Understand. It's a
12 distribution with lateral, but maybe that database has
13 the answers that we're looking for here.

14 MS. AIELLO: And I did review that database
15 in preparation for our hearing, and I did not see that
16 line mapped.

17 MEMBER HILL: Mr. Chair?

18 CHMN STAFFORD: Yes, Member Hill.

19 MEMBER HILL: Can I propose that we
20 identify the gas line that we have knowledge of and leave
21 it at that. I don't want to narrow the extent, because I
22 think context is lost there, it's a landfill, you can see
23 the -- I mean, I think that's good to keep. That corner
24 is still pretty far away from the transmission line. My
25 concern has always been at the corner of West Deer Valley

1 and North 211th Avenue, because that's the only place
2 that I see it coming close enough to the pipeline. So I
3 want to offer for my colleagues to consider let's just
4 map what we do know with certainty.

5 CHMN STAFFORD: Member Fontes, it was your
6 motion to add the natural gas line. We were discussing
7 how much of the natural gas line was going to make it in
8 here. I'm assuming that you want to have it labeled as
9 to the owner of the line as well?

10 MEMBER FONTES: Yes, sir, consistent with
11 the labeling on the other transmission facilities in the
12 area. I think that's an amenable solution. Again, the
13 issue is safety. And informing the public that there is
14 a natural gas line there for future applications of any
15 kind, be they at the state or local level.

16 CHMN STAFFORD: Okay. All right. So the
17 motion is to add the natural gas line to Exhibit A to
18 reflect the known portion of the natural gas line and
19 identify the owner of the line.

20 That is your motion, Member Fontes?

21 MEMBER FONTES: So moved.

22 CHMN STAFFORD: And it has been seconded?

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 (No response.)

1 CHMN STAFFORD: All in favor say aye.

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, the amendment
6 is adopted.

7 Are there any additional amendments to the
8 Exhibit A that we should make?

9 MEMBER LITTLE: Mr. Chairman?

10 CHMN STAFFORD: Member Little.

11 MEMBER LITTLE: In the past, we have
12 identified ownership of other transmission lines. I
13 can't read what's on the screen and what I have in front
14 of me is not clear, is -- is that ownership shown?

15 CHMN STAFFORD: Yes, the ownership and the
16 voltage.

17 MEMBER LITTLE: Yes, thank you. Okay.

18 CHMN STAFFORD: So it's just the placemat
19 is vastly superior to what you're looking at on that
20 little screen, I'm sure.

21 MEMBER LITTLE: Okay. Thank you.

22 CHMN STAFFORD: What, is there something
23 you --

24 MEMBER HILL: The Mead to Perkins -- the
25 Mead to Perkins line is not identified as ownership, it

1 just says "Mead to Perkins," everything else says "APS."

2 MS. CASTEEL: Based on the information that
3 we have access to, we could not identify. It was listed
4 as "unknown owner," so that's how we have it here.

5 MEMBER HILL: Mr. Fontes, do you know who
6 owns the Mead to Perkins line?

7 MEMBER FONTES: There's references you can
8 look up. It's listed -- it's a WAPA line, but I don't
9 know who operationally controls it because a lot of those
10 lines are shared circuits. So it's hard for me to opine
11 on that, because what you may have is WAPA owns the
12 physical asset, but their reference shows who is the
13 operator. And on some of those lines there, I can tell
14 you WAPA owns the physical assets, but APS operates it,
15 so it depends on the database. But what I would look at
16 is the Western Electric Coordination Council mapping
17 tools, that's helpful. Or call APS.

18 MEMBER HILL: I'm regretting pointing out
19 that this isn't labeled.

20 MEMBER FONTES: Natural gas and
21 transmission are often challenging because somebody may
22 own the capacity on the circuit, but a different party
23 may own the physical asset. So I empathize with your
24 question, but I'm trying to give you an honest answer in
25 both cases.

1 MEMBER HILL: I'm not proposing any
2 amendment.

3 CHMN STAFFORD: All right. Because I think
4 four out of five isn't bad.

5 MEMBER HILL: I appreciate your standards.

6 CHMN STAFFORD: All right. Exhibit A, has
7 it been moved, as amended?

8 MEMBER HILL: So moved.

9 MEMBER MERCER: Second.

10 CHMN STAFFORD: Further discussion?

11 (No response.)

12 CHMN STAFFORD: All in favor say aye.

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Exhibit A, as
17 amended, is adopted.

18 On to Exhibit B.

19 Member Little?

20 MEMBER HILL: Where do we find Exhibit B?

21 CHMN STAFFORD: We haven't -- we haven't --
22 we haven't gotten one yet. We need to create one. So
23 what we'll -- you said it earlier and I should have
24 written this down, but I did not, because I'm relying on
25 you to point to the list of conditions contained in, I

1 believe it was in the letter from Arizona Game & Fish, in
2 the application, which was hearing Exhibit 1.

3 MEMBER LITTLE: That's in --

4 CHMN STAFFORD: You had called the pages
5 and section numbers out earlier.

6 MEMBER LITTLE: -- H -- Exhibit H, pages
7 H-6 through H-9. And, Mr. Chairman, were I to do this --
8 well, it looks like perhaps they did that.

9 CHMN STAFFORD: I believe they've taken a
10 stab at it.

11 MR. RICH: Mr. Chairman, we've got
12 displayed on the screen our effort at that. We're happy
13 to go through that one by one, or however you'd like to
14 proceed.

15 MEMBER LITTLE: Mr. Chairman, I'm wondering
16 whether it's on tablets for those that are present in the
17 meeting, correct?

18 CHMN STAFFORD: Yes.

19 MEMBER HILL: It is?

20 CHMN STAFFORD: Oh, no, you're talking
21 about the draft Exhibit B?

22 MEMBER HILL: Yeah.

23 CHMN STAFFORD: No, that's not an exhibit
24 yet. They haven't created an exhibit.

25 MR. RICH: We can forward this.

1 CHMN STAFFORD: We've already --

2 MEMBER LITTLE: I'm just wondering if we
3 could each get a copy of that. I would like to -- it's
4 difficult for me to look back and forth. I would like to
5 print it out and just have 15 minutes to compare them. I
6 don't know if anybody else feels the same way.

7 MEMBER HILL: I agree.

8 CHMN STAFFORD: Well, let's see here, you
9 have -- you said you want to get the measures from, you
10 said it was Tab -- Exhibit H to the application, which is
11 Hearing Exhibit 1, pages H --

12 MEMBER LITTLE: 6.

13 CHMN STAFFORD: -- through H-8 or H-9?

14 MEMBER LITTLE: H-9, yeah.

15 CHMN STAFFORD: Okay. All right.

16 MEMBER HILL: Mr. Chair?

17 CHMN STAFFORD: Yes, Member Hill.

18 MEMBER HILL: I think we have an option. I
19 think we can just take a 30-minute break and just put it
20 on the tablet. I'm fine with putting it on the tablet,
21 emailing it to folks, and kind of going through it and
22 coming back and finishing it. Or I am comfortable going
23 through each section of the letter and asking the
24 applicant to show us where in their measures that is
25 represented. However you want to pursue this.

1 CHMN STAFFORD: Well, looking around and I
2 think members are getting hungry.

3 MEMBER DiCICCIO: Half hour.

4 CHMN STAFFORD: So I think we can take a
5 30-minute break, and then the applicant already has
6 prepared a draft Exhibit B. I guess we'll send that to
7 Tod to get to the members, and then put it on the tablets
8 and then the members can look at that, and then we can
9 move it, vote it. And then that will be the last exhibit
10 we have to worry about, and then we'll be ready to vote
11 the Certificate as a whole.

12 MEMBER HILL: Okay.

13 MEMBER LITTLE: That will be wonderful,
14 thank you.

15 MEMBER FONTES: Mr. Chairman?

16 CHMN STAFFORD: Member Fontes.

17 MEMBER FONTES: Can we make sure that we
18 have a half hour once we receive it from Tod, rather than
19 just a half hour?

20 CHMN STAFFORD: I'll see what I can do.

21 MEMBER FONTES: Appreciate that.

22 CHMN STAFFORD: All right. So, Mr. Rich,
23 can you get your draft Exhibit B from Tod and I will give
24 him a call and get him -- make sure it's sent to the
25 members and then we can get it put on the tablets by the

1 AV team.

2 MR. RICH: Mr. Chairman, yes, we can do
3 that. And I'm just going to look across and ask
4 Ms. Casteel, is the version you sent me the same version?
5 Have you made any changes?

6 MS. CASTEEL: No, they're the same version.

7 MR. RICH: Okay. I'll send an email to Tod
8 right now, and to the folks at Peaks here so we can get
9 it pulled up on the tablets.

10 CHMN STAFFORD: Thank you. Excellent.

11 MR. RICH: Thank you.

12 CHMN STAFFORD: Okay. With that, we are in
13 recess until 1:05.

14 (Recessed from 12:34 p.m. until 1:15 p.m.)

15 CHMN STAFFORD: All right. Let's go back
16 on the record.

17 The draft Exhibit B has been distributed to
18 the members on the tablets. The members online should
19 also have it. I'm seeing thumbs up from Member Little.

20 MEMBER DiCICCIO: It's not up on my tablet.

21 CHMN STAFFORD: Thumbs up from Member
22 Drago, Member Fontes.

23 All right. Can I get a motion to adopt
24 Exhibit B?

25 MEMBER HILL: So moved.

1 CHMN STAFFORD: Do I hear a second?

2 MEMBER LITTLE: Second.

3 CHMN STAFFORD: Further discussion?

4 MEMBER HILL: Yes, Mr. Chair.

5 CHMN STAFFORD: Member Hill.

6 MEMBER HILL: Member Fontes, you can go
7 ahead if you want. I can --

8 MEMBER FONTES: Yeah, I want to make a
9 general comment and then specific on this measure 1.
10 Seems like it's just a restatement of what the Arizona
11 Game & Fish Department has recommended without any real
12 substantial commitments. On other CECs, project
13 developers have actually made commitments with respect to
14 evaluation and verification during design and
15 construction, which is absent throughout this document.
16 So I'm having a hard time grasping how these are real
17 truly measures.

18 MEMBER HILL: Member Fontes, this is Member
19 Hill. So are you asking for -- so there are a couple of
20 things in the Game & Fish letter. The first one was that
21 you should maintain a setback of 200 feet from ephemeral
22 washes and a quarter mile from the perennial wash, which
23 I think is Trilby, is that -- what's the status of that,
24 Ms. Casteel?

25 MS. CASTEEL: There are no perennial

1 features. Trilby Wash is ephemeral.

2 MEMBER HILL: Okay.

3 MS. CASTEEL: We have conducted a
4 jurisdictional delineation as far as Waters of the U.S.,
5 and Trilby Wash was not part of that, because we had done
6 that assessment on State Land. The ephemeral washes on
7 the corridor are non-Waters of the U.S., they're
8 ephemeral, and we also did not identify ordinary high
9 water mark.

10 I don't know if I need to get into the
11 details there, but determined to not be Waters of the
12 U.S. They're very small, minor ephemeral washes. We did
13 identify a center line. So we know the center line of
14 those features that's roughly based on vegetation and
15 whatnot that's there. Trilby Wash, like I mentioned, we
16 haven't yet, but we will during later environmental
17 studies. So we would know the limits of those features,
18 based on those studies.

19 MEMBER HILL: Okay. So I think -- oh,
20 sorry.

21 CHMN STAFFORD: Member Fontes, did you have
22 a question?

23 MEMBER FONTES: No, I was just going to
24 point out that I think that last statement from the
25 applicant's representative is missing from here. It

1 seems like they're going to evaluate and verify all of
2 these as a measure during final design, and then possibly
3 presenting that to the City and the County for their
4 other permitting. It just seems like that that bit is
5 missing from a lot of these measures. What is the action
6 for the measure?

7 MS. CASTEEL: So we will be doing those
8 studies. We can add that to the measure and just say
9 studies will be completed to identify the location of
10 these features in order to more accurately do the setback
11 and avoidance.

12 MEMBER HILL: So --

13 MEMBER FONTES: I appreciate that. That's
14 what we're used to seeing from applicants. That it will
15 be evaluated and verified during the final design and
16 presented for other permitting or something along those
17 lines.

18 Member Hill, I'm sorry to interject, but I
19 thought that would be useful on my observation, just to
20 finish my thought for you and others.

21 MEMBER HILL: No, thank you. And you
22 weren't interjecting. I felt like I interjected you.

23 But -- so once -- so you will establish the
24 high water mark for Trilby Wash. So this seems to be
25 like the one place where the community uses it, it's not

1 technically a recreation corridor, but you see activity
2 associated with that. You will establish the high water
3 mark for Trilby Wash, and then be able to evaluate what
4 200 feet from that looks like.

5 MS. CASTEEL: That's correct.

6 MEMBER HILL: We don't regulate the BESS,
7 so I don't have any comment on the location of the BESS
8 system. But what confidence can you give us that you'll
9 be able to -- that any towers will be at least 200 feet
10 away from the high water mark of Trilby Wash?

11 MS. CASTEEL: Just based on a preliminary
12 aerial review, it looks like the closest on the proposed
13 route is -- it was about 220, maybe a little bit more,
14 away from what appears to be the ordinary high water mark
15 of Trilby Wash. We will confirm that during our studies.
16 And, if needed, we can adjust the location of that pole
17 within the corridor. We have enough flexibility within
18 the corridor in order to be 200 feet away.

19 MEMBER HILL: Okay. For me, and I don't
20 speak for everyone on this panel, that wash is probably
21 the more important one for consideration. And because
22 the Department pulled out a separate paragraph about it,
23 I'd like to focus on making sure that we get to their
24 expectations with that. So I don't know if you have, you
25 know, some additional language that you can suggest here

1 around the studies that will be done to determine the
2 high water mark of Trilby Wash.

3 MS. CASTEEL: I think --

4 MEMBER HILL: I don't think we can see any
5 edits if you're --

6 MS. CASTEEL: Some tracked changes. Let's
7 see -- is it possible to share my screen on the -- we can
8 just say. Make that a little bit bigger.

9 MEMBER HILL: Member Fontes, does this meet
10 your expectations?

11 MEMBER FONTES: I would add something to
12 the end of the second sentence, "to the extent feasible
13 during final design," because that's when you'll be
14 informed.

15 MS. CASTEEL: I've got some sticky keys.

16 MEMBER FONTES: For me that's a measure
17 that we can look at, mark on the calendar, and feel good
18 that it's not just a restatement of the letter.
19 Appreciate that.

20 MS. AIELLO: And if I may, I would like to
21 add a clarification that we can survey what we have
22 access to. There are portions of Trilby Wash that are
23 not within the parcel that we have for the BESS project.
24 So I don't know if we can add clarification.

25 MEMBER HILL: So the -- just to further

1 clarify, the southern line of the corridor, do you think
2 you're going to -- because it looks like it goes into
3 maybe the floodplain area of the wash. Do you have
4 access to that corner?

5 MS. AIELLO: We should have access to the
6 full corridor, yes.

7 MEMBER HILL: Okay. Because that's the
8 corner, I'm going to guess, that term is probably where
9 you're going to have the most -- the least wiggle room,
10 if you will.

11 MS. AIELLO: Yes.

12 MEMBER HILL: Do you have the ability to
13 survey and access that?

14 MS. AIELLO: Yes, we have ability to access
15 that corner.

16 MEMBER HILL: Okay. Not concerned with
17 BESS, not our jurisdiction.

18 MEMBER LITTLE: Mr. Chairman?

19 CHMN STAFFORD: Yes, Member Little.

20 MEMBER LITTLE: I'm still a little
21 confused, because the fish and game, Game & Fish,
22 whatever it is, says that they suggest a minimum setback
23 of 200 feet from ephemeral washes, which I read to mean
24 all ephemeral washes, not just Trilby.

25 MS. CASTEEL: Umm --

1 MEMBER LITTLE: Is there a reason why you
2 just specify the setback with just that one wash?

3 MS. CASTEEL: A couple reasons. First, I
4 was reading that as Game & Fish typically makes this kind
5 of a recommendation, and so that being more of a general
6 statement, and then with the inset being specific to
7 Trilby Wash, I was reading that as the Game & Fish
8 Department was mostly concerned with Trilby Wash
9 specifically, and as that is the most major corridor.

10 The second reason for that is based on our
11 delineation surveys to date, those features within the
12 corridor east of Trilby Wash did not exhibit the ordinary
13 high water mark and so while we will try to avoid those
14 corridors, it's hard to define that in a, I don't know,
15 more legal sense, I guess. And so as far as the -- a
16 measurable distance away from, it's a little harder to
17 tell where those limits are, because there is no ordinary
18 high water mark. So the distance might be arguable.

19 MEMBER LITTLE: I understand.

20 MEMBER HILL: Member Little, I -- I'm okay
21 with this language. I do think, having worked with the
22 Department a lot, that that was probably their biggest
23 concern. And the other washes or drainage areas, because
24 I'm not even sure that we see on the map wouldn't make
25 sense to put poles anyways, because I think there would

1 be a concern about reliability.

2 So I'm pretty confident that they're going
3 to stay off of those other, hard quotes, wet areas. If
4 you feel differently, I respect that.

5 MEMBER LITTLE: No, I don't. I was curious
6 why -- and I can see how it -- I definitely could see how
7 that letter could be read from that perspective, so I'm
8 okay with it. Thank you.

9 MEMBER HILL: Okay. Great.

10 MR. RICH: Mr. Chairman?

11 CHMN STAFFORD: Yes, Mr. Rich.

12 MR. RICH: Thank you. I just -- in looking
13 at Exhibit B from Case 261, I just wanted to briefly
14 compare, you know, they have a -- the only provision in
15 the --

16 MEMBER HILL: Which is Case 261?

17 MR. RICH: The TEP -- shoot, what is it --
18 Santa Rita.

19 MEMBER HILL: What year -- what was 261,
20 the date?

21 MR. RICH: It was just from July --

22 MEMBER HILL: Oh, okay.

23 MR. RICH: -- July 14th.

24 MEMBER HILL: Okay. I didn't come to that
25 one. I wasn't --

1 MR. RICH: Okay. Which maybe explains
2 this. But their -- their own provision to deal with
3 washes, it just said, "Minimize vegetation clearing and
4 ground disturbance, especially within riparian areas and
5 ephemeral washes," so certainly this is a far -- far
6 greater, and I don't know that we're necessarily opposed
7 to any of it, but it's significantly different than just
8 last month, so I'd ask for some --

9 MEMBER HILL: Well, the Game & Fish letter
10 might have been different too. I didn't see the Game &
11 Fish letter.

12 MR. RICH: And I'm not sure.

13 MEMBER HILL: Okay.

14 CHMN STAFFORD: My recollection is that
15 typically Exhibit B just spells out what's in the Game &
16 Fish letter. It says, hey, we've recommended you do
17 these things. We say yes, you're going to do those
18 things. But then we have the language where it says
19 you'll do these in consultation with Game & Fish, so if
20 something in here turns out to be impractical, you can
21 consult with Game & Fish, and they can say, okay, well,
22 in this situation, do something else. And that's why
23 that language exists in Condition Number 5.

24 MEMBER LITTLE: Mr. Chairman?

25 CHMN STAFFORD: Yes, Member Little.

1 MEMBER LITTLE: Most of the Exhibit Bs, to
2 me, seemed like they originated with minimization
3 measures that were outlined by the consultant in the body
4 of the report and added to those were anything that was
5 different in the Game & Fish letter. And I -- there are
6 places in the application Exhibit 1 where they have
7 indicated mitigation measures. They're not in tabular
8 form, but they are as part of the report. And I looked
9 at those and those are pretty much covered in the draft
10 Exhibit B that we are considering right now.

11 CHMN STAFFORD: Okay.

12 MS. CASTEEL: That was the intention. The
13 phrasing within the exhibits includes some auxiliary
14 before and after kind of language, and that wasn't
15 necessary here. So it is simply rephrased, but we did
16 try to capture everything that was in Exhibit C and D, as
17 well as the Game & Fish letter.

18 MEMBER LITTLE: Thank you.

19 CHMN STAFFORD: All right. So we're
20 discussing Exhibit B. We've had some suggestion changes
21 to the first bullet, do you wish to offer an amendment to
22 that effect Member Hill?

23 MEMBER HILL: Yes, so moved.

24 MEMBER LITTLE: Second.

25 CHMN STAFFORD: Okay, second. Okay.

1 Can you read what it would be -- the change
2 you would make, you would add a sentence to the first
3 bullet.

4 MEMBER HILL: So bullet one would read,
5 "Delineation surveys will be conducted to identify the
6 ordinary high water mark of the ephemeral washes within
7 and immediately adjacent to the Project Corridor,
8 including Trilby Wash. Transmission structures will be
9 placed outside of washes. Project structures will be" a
10 set back -- "will be set back a minimum of 200 feet from
11 Trilby Wash, to the extent feasible, during final
12 design." And the rest remains intact.

13 CHMN STAFFORD: That is your motion; it's
14 been seconded. Comments from the applicant?

15 MS. AIELLO: No, that's acceptable to us.

16 CHMN STAFFORD: Further discussion?

17 (No response.)

18 CHMN STAFFORD: All in favor say aye.

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, the amendment
23 is adopted.

24 Any other suggested changes to Exhibit B?

25 MEMBER HILL: On the last bullet, this

1 bullet identifies temporary disturbance will be restored
2 according to a revegetation plan. I want to make sure
3 that the Department's request that revegetating disturbed
4 areas will be done "with native drought-tolerant species"
5 is added to that section.

6 So my proposal is that in the last sentence
7 that starts with "areas of temporary disturbance," I
8 propose we state, "Will be restored with native
9 drought-tolerant species, and in accordance with a
10 revegetation plan," et cetera, et cetera, so adding that
11 statement.

12 The Department has identified this in
13 several letters and I meet with them from time to time,
14 and they've identified this in one of concern, in
15 general. And so I said that I would bring this up, not
16 on any particular case, but on cases going forward. And
17 this is the recommendation, so that's my motion.

18 MEMBER FANT: So moved.

19 MEMBER LITTLE: Second.

20 CHMN STAFFORD: Second?

21 All right. Further discussion or comments
22 from the applicant?

23 MS. AIELLO: Yes, if I may, during
24 construction sometimes we do use temporary cover crops
25 just to provide that initial stabilization just because

1 some of the native species do take a longer time to
2 establish. So if we could include flexibility for the
3 initial seed mix to include non-native drought-tolerant
4 species. And just -- or maybe a cleaner way would be
5 that the permanent seed mix would be native and drought
6 tolerant.

7 MEMBER HILL: I'm good with that. So the
8 temporary ones are just annuals?

9 MS. AIELLO: Right.

10 MEMBER HILL: Okay.

11 MS. AIELLO: Yeah, and it's just intended
12 to provide a short-term stabilization.

13 MEMBER HILL: However Ms. Casteel
14 recommends that we capture that, I'm good.

15 MS. CASTEEL: I'm wondering if we can
16 say -- because any of that would happen during
17 construction, correct?

18 MS. AIELLO: Correct.

19 MS. CASTEEL: So saying, "following
20 construction" -- "following completion of construction"?

21 CHMN STAFFORD: Well, what is restored?
22 Because it says, "Will be restored." If it's -- if it's
23 temporary under construction, it's -- that's just a
24 placeholder, it's not being restored. Restored implies
25 you're done disturbing that area.

1 MS. CASTEEL: We can add --

2 MS. AIELLO: Just thinking about this from
3 a construction perspective, typically we have the
4 temporary seed mix and then the permanent seed mix, so I
5 think referencing the final seed mix might --

6 MEMBER HILL: Ms. Casteel, what about
7 "areas of temporary disturbance will be stabilized
8 with" --

9 MS. AIELLO: Permanent -- the permanent
10 seed mix --

11 MEMBER HILL: The temporary seed mix.

12 MS. AIELLO: Yeah, uh-huh.

13 MEMBER HILL: Annuals, "drought-tolerant
14 annuals" or something?

15 MS. AIELLO: Yeah, I think if we could just
16 include annuals.

17 MEMBER HILL: "And further restored with
18 native drought-tolerant species."

19 MS. AIELLO: Yes.

20 MEMBER HILL: So that the sequencing is
21 clearer.

22 MS. AIELLO: Yes, uh-huh.

23 CHMN STAFFORD: Member Fant, you had a
24 question?

25 MEMBER FANT: No, thank you, Mr. Chair.

1 No, I thought that we could just add one word, which
2 would be "eventually," after "will," so you could say,
3 "Areas of temporary disturbance will eventually be
4 restored with native drought-tolerant species, according
5 to," blah, blah, blah.

6 MEMBER LITTLE: "Eventually" is sort of a
7 weasel word. Eventually when?

8 CHMN STAFFORD: How about "ultimately."

9 MEMBER LITTLE: I -- I like this, including
10 the words of "the temporary annual seed mix during
11 construction."

12 MEMBER HILL: That's --

13 MEMBER LITTLE: Ultimately, yeah.

14 CHMN STAFFORD: Okay. Can I get you to
15 read the final sentence of the last bullet as you would
16 like to see it amended, Member Hill?

17 MEMBER HILL: Yes. The last bullet
18 amendment is in the last sentence and it reads, "Areas of
19 temporary disturbance will be stabilized with temporary
20 annual seed mix during construction and ultimately
21 restored with native drought-tolerant species according
22 to a re-vegetation plan incorporated into the Stormwater
23 Pollution Prevention Plan."

24 CHMN STAFFORD: All right. That is your
25 motion, and who was the second?

1 MEMBER LITTLE: Second.

2 CHMN STAFFORD: Was it Doug already?

3 MEMBER LITTLE: Yeah, I think Doug kind of
4 did it, though.

5 CHMN STAFFORD: All right. That is the
6 amendment.

7 Further discussion?

8 (No response.)

9 CHMN STAFFORD: The applicant, this
10 is -- I'm seeing nods of agreement.

11 MS. AIELLO: Yes, acceptable.

12 CHMN STAFFORD: All right.

13 MS. AIELLO: Thank you.

14 CHMN STAFFORD: All in favor say aye.

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, the amendment
19 passes.

20 All right. Are there any other bullets we
21 need to discuss on appendix -- on Exhibit B?

22 MEMBER HILL: I have two.

23 MEMBER LITTLE: Mr. --

24 MEMBER HILL: But, Member Little, go next.

25 MEMBER LITTLE: I was just going to say,

1 and I'm not exactly sure where it goes. But, once again,
2 Game & Fish has specified -- has specifically talked
3 about stinknet, and I think that needs to be included in
4 here somewhere.

5 CHMN STAFFORD: I will -- they address
6 noxious weeds in the penultimate bullet.

7 MEMBER HILL: Or the third bullet on
8 page 2.

9 CHMN STAFFORD: Well, it's the next-to-last
10 bullet, the penultimate bullet.

11 MEMBER HILL: I do have a suggestion there.
12 Let's see, at the end of that section, so this is just an
13 additional sentence, "If a stinknet infestation is
14 detected, it will be quickly managed," that's the
15 language that we have in the Game & Fish letter, and it's
16 a step back from I think earlier they had, "Should be
17 eradicated," and I think that may be impractical. So I
18 like that they've changed it to, "It will be quickly
19 managed."

20 MEMBER LITTLE: I move that we include that
21 last sentence, "If a stinknet infestation is detected, it
22 will be quickly managed."

23 MEMBER HILL: I'll second that.

24 CHMN STAFFORD: Further discussion?

25 Mr. Rich?

1 MS. AIELLO: Yeah, that's acceptable.

2 CHMN STAFFORD: All right. All in favor
3 say aye.

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, the amendment
8 is adopted.

9 MEMBER HILL: I have one last one. On the
10 first page, bullet six. The one regarding trenching, my
11 first question is, will there be trenching on this
12 project?

13 MS. AIELLO: There may be some underground
14 lines. Again, we don't have full detail yet on that.

15 CHMN STAFFORD: But not part of the
16 transmission line there will not be trenching.

17 MS. AIELLO: No, the -- the transmission
18 line will be above ground.

19 CHMN STAFFORD: Right. So I don't think
20 this is even applicable to the project that's before this
21 committee. It may be relevant to the construction of the
22 BESS, but I don't think it's going to be relevant to the
23 construction of the transmission line, which is what the
24 Certificate is for.

25 MEMBER HILL: So, again, will there be

1 trenching associated with the construction of the
2 transmission line?

3 MS. AIELLO: Not -- not to my knowledge.

4 MEMBER HILL: Okay. Then I don't have a
5 problem with this one.

6 CHMN STAFFORD: Okay. And then a couple
7 bullets down it talks about fenced areas along the
8 gen-tie, if any, would follow wildlife compatible fencing
9 guidelines. You're not going to fence off the
10 transmission line, however, I guess that would apply to
11 the staging areas that are used in connection with the
12 construction of the transmission line, is this what this
13 contemplates?

14 MS. AIELLO: Yeah, presently we're not
15 anticipating any fencing for the project, either
16 construction or operations, but we just wanted to provide
17 that for completeness with the letter.

18 CHMN STAFFORD: All right. Are we ready to
19 move Exhibit B, as amended, or do we need to discuss
20 further modification? Actually, you know what, on
21 page 1, we could probably strike the fourth bullet
22 because we already have a separate condition that
23 requires that.

24 MEMBER HILL: Is that your motion,
25 Mr. Chair?

1 CHMN STAFFORD: Yes, it is. Strike the
2 fourth bullet as being redundant.

3 MEMBER HILL: Second.

4 CHMN STAFFORD: Further discussion?
5 (No response.)

6 CHMN STAFFORD: All in favor say aye.
7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?
9 (No response.)

10 CHMN STAFFORD: Hearing none, the motion
11 carries.

12 All right. Now are we ready to move
13 Exhibit B as amended?

14 MEMBER HILL: So moved.

15 MEMBER MERCER: Second.

16 CHMN STAFFORD: Further discussion?
17 (No response.)

18 CHMN STAFFORD: Mr. Rich, any comments?

19 MR. RICH: None here.

20 CHMN STAFFORD: All right. All in favor
21 say aye.

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?
24 (No response.)

25 CHMN STAFFORD: Hearing none, Exhibit B is

1 adopted.

2 I think we're finally ready to move the
3 Certificate, as amended.

4 MEMBER HILL: So moved.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No response.)

8 CHMN STAFFORD: We'll do a roll call vote.

9 Member DiCiccio?

10 MEMBER DiCICCIO: Yes.

11 CHMN STAFFORD: Member Mercer?

12 MEMBER MERCER: Yes.

13 CHMN STAFFORD: Member Fant?

14 MEMBER FANT: Great project. Yes.

15 CHMN STAFFORD: Member Hill?

16 MEMBER HILL: Yes.

17 CHMN STAFFORD: Member Little?

18 MEMBER LITTLE: I vote yes, Mr. Chairman.

19 And I would like to, as always, thank the AV team and our
20 court reporter, and thank the applicant for their
21 patience. And sometimes even a pretty straightforward
22 project needs a little tweaking to -- so that the CEC
23 says what we feel it needs to say. Thank you.

24 CHMN STAFFORD: Member Fontes?

25 MEMBER FONTES: Yes. And good luck on your

1 RFP process.

2 MS. AIELLO: Thank you.

3 CHMN STAFFORD: Member Drago?

4 MEMBER DRAGO: Yeah, I vote aye.

5 CHMN STAFFORD: And I vote aye. This is a
6 most excellent project. By a vote of eight ayes and zero
7 nays. The Certificate is approved.

8 Thank you very much to the applicant, the
9 members, the AV team, and the court reporter.

10 If I could get a motion for the chair to
11 make corrections to the order and sign and file it with
12 the Commission.

13 MEMBER FANT: So moved.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

17 CHMN STAFFORD: All in favor say aye.

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Motion carries.

20 MEMBER HILL: It's not scrivener's errors
21 anymore?

22 CHMN STAFFORD: Yeah, corrections.

23 MEMBER HILL: Oh, okay. We're good.

24 CHMN STAFFORD: Radical rule numbers,
25 statute numbers, whatever errors are detected will be

1 corrected.

2 MEMBER HILL: Okay. Great.

3 CHMN STAFFORD: All right. Anything
4 further for the good of the order?

5 MR. RICH: Thank you all for your time,
6 really appreciate it.

7 MEMBER FANT: Thank you.

8 MS. AIELLO: Yes, thank you very much.

9 MEMBER HILL: Thank you, Robin.

10 CHMN STAFFORD: Thank you all. We are
11 adjourned.

12 (The hearing concluded at 1:45 p.m.)

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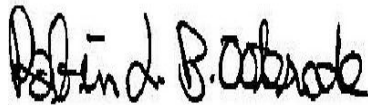
25

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

3
4 BE IT KNOWN that the foregoing proceedings were
5 taken before me; that the foregoing pages are a full,
6 true, and accurate record of the proceedings all done to
the best of my skill and ability; that the proceedings
were taken down by me in shorthand and thereafter reduced
to print under my direction.

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
outcome hereof.

9 I CERTIFY that I have complied with the ethical
10 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206
11 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this
12 13th day of August, 2026.

13 

14 _____
15 ROBIN L. B. OSTERODE, RPR
16 CA CSR No. 7750
17 AZ CR No. 50695

18 * * * * *

19 I CERTIFY that Glennie Reporting Services, LLC,
20 has complied with the ethical obligations set forth in
21 ACJA 7-206(J)(1)(g)(1) through (6).

22 

23 _____
24 GLENNIE REPORTING SERVICES, LLC
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