

1 BEFORE THE ARIZONA POWER PLANT LS-250
 2 AND TRANSMISSION LINE SITING COMMITTEE
 3
 4 IN THE MATTER OF THE APPLICATION OF) DOCKET NO.
 WEST CAMP WIND FARM, LLC, IN) L-21204A-22-
 5 CONFORMANCE WITH THE REQUIREMENTS) 0228-00206
 OF ARIZONA REVISED STATUTES, SECTIONS)
 6 40-360, et seq., FOR CERTIFICATES OF)
 ENVIRONMENTAL COMPATIBILITY)
 7 AUTHORIZING THE WEST CAMP WIND) CASE NO. 206
 GEN-TIE PROJECT, A 345 KV OR 500 KV)
 8 TRANSMISSION LINE AND ASSOCIATED)
 INTERCONNECTION FACILITIES WITHIN)
 9 NAVAJO COUNTY, ARIZONA,) PREHEARING
) CONFERENCE

10

11 At: Phoenix, Arizona
 12 Date: October 3, 2022
 13 Filed: October 6, 2022

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16 REPORTER'S TRANSCRIPT OF PROCEEDINGS
 17 (Pages 1 through 17)

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INDEX TO EXHIBITS

(None)

1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, commencing at 2:00 p.m. on the 3rd day of
5 October 2022, with all participants appearing via
6 videoconference.

7
8 BEFORE: PAUL A. KATZ, Chairman

9 APPEARANCES:
10 For the Applicant:

11 ACKEN LAW
12 Mr. Albert H. Acken
13 111 East Dunlap Avenue, Suite 1-172
14 Phoenix, Arizona 85020

15 For the Potential Intervenor Arizona Public Service
16 Company:

17 SNELL & WILMER, L.L.P.
18 Mr. J. Matthew Derstine
19 400 East Van Buren Street, Suite 1900
20 Phoenix, Arizona 85004

21 and

22 PINNACLE WEST CAPITAL CORPORATION
23 Ms. Linda J. Benally, Senior Attorney
24 400 North 5th Street, MS 8695
25 Phoenix, Arizona 85004

For the Arizona Corporation Commission Utilities Division
Staff:

ARIZONA CORPORATION COMMISSION
Mr. Max G. Carpinelli, Staff Attorney,
Legal Division
1200 West Washington Street
Phoenix, Arizona 85007

1 APPEARANCES (Continued):

2 Also present:

3 Mr. Robert Gardner, Project Manager, AES
4 Ms. Alexandra Shin, Lead Project Manager, SWCA
5 Mr. Luke Hutchison, Electrical Engineer,
6 Utilities Division, Arizona Corporation
7 Commission
8 Mr. Jason Spitzkoff, Manager Engineering
9 Transmission & Distribution, APS
10 Ms. Aileen De Los Angeles, Paralegal, Pinnacle
11 West Corporation
12 Mr. Tod Brewer, Assistant to Chairman Katz
13 Ms. Lisa Glennie, Glennie Reporting Services, LLC
14 Ms. Marta Hetzer, Glennie Reporting Services, LLC

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1 CHMN. KATZ: We'll go on the record. This is
2 the time we have set for the Prehearing Conference in the
3 West Camp Wind Gen-Tie Project, which is CEC Number 206.
4 I see Mr. Bert Acken, who represents the applicant, and
5 I'll allow our two other attorneys, who I am familiar
6 with, to identify themselves and indicate on whose behalf
7 they are respectively appearing.

8 MR. DERSTINE: Waiting for Linda Benally. Good
9 afternoon, Chairman; Matt Derstine of Snell & Wilmer,
10 appearing on behalf of Arizona Public Service Company.
11 We have a pending application to intervene in the case.

12 CHMN. KATZ: And, Ms. Benally, I know -- I see
13 your smiling face. You're also here on behalf of
14 Pinnacle West or APS, correct?

15 MS. BENALLY: That is correct. We may have one
16 other individual joining from APS just to provide any
17 information that may be needed, but we certainly can
18 proceed without him or have. Thank you.

19 CHMN. KATZ: That's fine. And as APS should be
20 aware, it's up to the Committee to decide whether or not
21 an intervention should be allowed. It is my
22 understanding that APS actually supports this project;
23 isn't that essentially correct?

24 MS. BENALLY: Mr. Chairman, APS, I guess, is
25 neutral on its position of whether it supports the CEC or

1 not. This is an interconnection into the APS system.

2 And APS is intervening to protect those interests.

3 CHMN. KATZ: That's fine. And do you or
4 Mr. Derstine expect that you will potentially be
5 cross-examining witnesses -- which would be fine if
6 intervention is allowed, I just didn't know what your
7 current thoughts are -- or do we have to wait and see
8 what happens?

9 MS. BENALLY: Mr. Chairman, APS plans to be
10 present at the case primarily to be available for
11 questions that may come up if there are any from the
12 committee relative to the two possible interconnection
13 locations. And APS reserves its right to cross-examine,
14 but based on what we know today, that may very well not
15 be the case.

16 CHMN. KATZ: Let me just make a note here.

17 Okay. And I'm assuming that our time limit for
18 the committee to decide or act in compliance with ARS
19 Section 40-360.04(d) would be February 25th of 2023, but
20 I think we'll probably have a decision before we all
21 leave the hearing come next Tuesday, Wednesday, and
22 Thursday. And hopefully we won't be going beyond that
23 time frame.

24 Mr. Acken, we reviewed this in part during the
25 prefiling conference, but has notice been given to any of

1 the affected jurisdictions, and if so, who are those
2 jurisdictions?

3 MR. ACKEN: Mr. Chairman, it has -- notice was
4 given to Navajo County, which is the only affected
5 jurisdiction. This is an area that has some checkerboard
6 state land, but no portion of the Gen-Tie project that is
7 before the Commission is located on State Trust lands, so
8 the only affected jurisdiction is Navajo County.

9 CHMN. KATZ: And going to the next step, I'm
10 assuming that the applicant, with your assistance, has
11 complied with the posting and publishing of all of the
12 requirements that are set out in the procedural order and
13 ARS Section 40-360.04(a).

14 MR. ACKEN: We have. And just for the record,
15 I'll note that Rob Gardner of AES and Alexandra Shin of
16 SWCA are also on the call, and those two individuals have
17 been on point for most of the public outreach. I
18 circulated before this call what we will mark as a
19 hearing exhibit as WCW-6, which summarizes all that
20 public outreach, but in accordance with the procedural
21 order, we provided it prior to this Prehearing Conference
22 as well.

23 CHMN. KATZ: Okay. And is there anything about
24 those notices or publications so far that we need to
25 review for the record? I'm comfortable that you've done

1 everything that you need to, but is there anything you
2 wanted to make a record of or any posting or --

3 MR. ACKEN: I'll note that we did publish
4 notice in the Republic -- Arizona Republic on
5 September 2nd and September 6th. We did a supplemental
6 notice in the Holbrook Tribune on September 7th. We
7 posted signs, as we discussed in the Prefiling
8 Conference, at four locations near the Gen-Tie project.
9 We also made the application available on the project
10 website, as well as the Holbrook Public Library.

11 CHMN. KATZ: And I believe that shortly after
12 our Prefiling Conference, I issued an agenda. I don't
13 know that we need to go through it. It's pretty much the
14 standard agenda that we use in all Gen-Tie-related
15 matters. So is there anything about the agenda that's of
16 concern either to you, Mr. Acken, or to Arizona Public
17 Service?

18 MR. ACKEN: No concern for the applicant. I'll
19 note also, and I should have noted, that Mr. Carpinelli
20 is here on behalf of Corporation Commission Staff. I do
21 not know if they -- I don't believe they intend to
22 intervene, but he is here in a monitoring role.

23 MR. CARPINELLI: Yeah, good morning,
24 Commissioner. The Corporation Commission has not
25 intervened. We don't plan to at this time. The Staff's

1 response letter is due to be docketed today. It should
2 be hitting the docket pretty soon. It does -- it only
3 notes that there were two studies, one of which noted a
4 negative impact. And the second one, I guess, we're
5 waiting to receive it. So Staff just recommended that
6 the meeting consider the studies and their impacts.

7 CHMN. KATZ: And I'm sure that we'll do that
8 and we need to make sure -- I'll put the burden now on
9 Mr. Acken or his client -- to make sure that any letters
10 from the Corporation Commission or any studies that are
11 referenced are marked as hearing exhibits.

12 MR. ACKEN: We will do so. The 345 System
13 Impact Study is a cluster study that involved several
14 projects, not just the West Camp Wind Farm, and so as
15 most of the system impact studies do, it contains
16 confidential information that we can't provide that study
17 itself to the committee, but we can certainly address it
18 during testimony with our witnesses. But we may -- and
19 I'll note this -- need to call a supplemental witness to
20 address any concerns, if there are any, and I guess the
21 representative could speak to that from a technical
22 standpoint.

23 CHMN. KATZ: And right now we're expecting that
24 this hearing will likely go beginning Tuesday, the 11th,
25 at 1:00 p.m.; and 5:30 that evening we will have public

1 comments and hopefully we can get those in within an hour
2 or so.

3 I don't know how much public interest there is,
4 but I think you did mention to me that there was some
5 protestation that occurred in hearings before Navajo
6 County, or otherwise, but I might be mistaken.

7 MR. ACKEN: Mr. Chairman, your recollection is
8 correct. This project does have a unanimous approval for
9 a Special Use Permit issued by Navajo County last month.
10 There was a fair number of public comments in opposition
11 from nearby residents concerning the wind turbines. No
12 comments regarding the transmission line itself.

13 I did -- those nearby residents did have a
14 legal representation at the Special Use Permit
15 proceeding. I reached out to that individual to see if
16 he was intending to participate in this proceeding, and
17 I've not heard back, so at this point I'm assuming that
18 they are not planning to formally intervene, certainly
19 hasn't reached out to me, and I do not know whether
20 they'll show up for this or not, since it's related to
21 the Gen-Tie.

22 CHMN. KATZ: Right. And we always have some
23 folks that are not happy with the solar project or the
24 wind project, but that's not something that's within the
25 Corporation Commission's or the Committee's jurisdiction.

1 Is there any need, do you think, for security
2 or do you think -- I mean, we had a large turnout at one
3 of our recent hearings at the Biosphere, but everybody
4 was cool, calm, collected, and polite. Do you think we
5 have any issues here that we need to be concerned about?

6 MR. ACKEN: We will have security. The
7 opposition at the County process was passionate is how
8 I'll characterize it. And certainly there was security
9 at the Navajo County proceeding, and we will have that
10 for this proceeding as well.

11 CHMN. KATZ: Thanks. And I know that you will
12 have a good virtual tour of the project. I know that
13 about three of the current committee members took the
14 tour on an earlier related project, but I know that Mary
15 Hamway or Member Hamway and Member Little were -- have
16 family-related activities going on and they won't be
17 present at all. And I don't know who is going to be
18 attending virtually. But if we have two or three people
19 in person and two or three people virtual, I don't know
20 that it makes sense to take a tour or not, a physical
21 tour.

22 MR. ACKEN: So we will be prepared, if the
23 Committee elects to take a tour. We developed a tour
24 protocol, as I believe I mentioned in the prefiling.
25 This is a challenging project in which to do a tour, just

1 given the remoteness and lack of access. There was a
2 tour done for Chevelon-Butte, which was the prior AES
3 Wind Farm Gen-Tie a few years ago. This project is
4 located to the east of Chevelon-Butte, and unlike
5 Chevelon-Butte, there is no direct access through the
6 siting area. So in that case there was State Route 99, I
7 believe it was, that bisected the Gen-Tie route.

8 We don't have that here. So we have prepared a
9 tour protocol, but it's, you know, it's still going to be
10 several miles from -- from the actual interconnection
11 facilities and the Gen-Tie project in certain locations.
12 And we will have a great virtual tour. So our
13 perspective is, unfortunately in this case, the in-person
14 option is just not a great one, given access limitations
15 with the public roads anywhere near the wind portion of
16 the site itself.

17 CHMN. KATZ: That's fine. And I know that it's
18 about an hour and a half ride from Flagstaff there and an
19 hour and a half back, so a tour's going to take a couple
20 of hours. We're basically going to, if we do take a
21 tour, have a day or close to a day devoted to it, I would
22 assume.

23 MR. ACKEN: We would think it's at least a
24 half-day tour, and that would require us to start earlier
25 on the second day, you know, perhaps, so it would be a

1 challenge, sure.

2 CHMN. KATZ: The other thing that I'm not sure
3 of is this is the last thing I'm doing for this week for
4 my office. I have a 5:45 back surgery scheduled this
5 evening. And I'll be recuperating this week. It's a
6 minimally invasive SI joint fusion, and my doc said I
7 should be up and functioning real well within a couple of
8 days. It's just that I will have to use a walker,
9 because they don't want me putting weight on it, not
10 because I'll be in pain or crippled. So I'm assuming my
11 recovery will be fine, but I'm not sure that I
12 necessarily want to go on an extensive tour, but I'll
13 leave it up to the Committee to decide.

14 And I'm assuming we have no problems; I've
15 received the witness summaries, if APS is going to be
16 calling any witnesses, we probably need to have those
17 witness summaries exchanged. But I'm assuming that
18 correctly that's not an issue?

19 MS. BENALLY: Mr. Chairman, Jason Spitzkoff is
20 going to -- we filed a witness summary for Mr. Spitzkoff,
21 who, incidentally, has joined the call probably about 10
22 minutes ago, so he's on. And our plan currently is not
23 to put on a direct case or to put on the witness, but if
24 we find that there is clarification or other reasons why
25 we need to put him on, we just wanted to reserve the

1 right to present him.

2 CHMN. KATZ: Hold on just a second. I'm going
3 to get rid of this.

4 (Interruption in the proceedings.)

5 CHMN. KATZ: My wife just told me it was the
6 hospital -- the preop people calling me. If they call
7 again, I will have to take it.

8 I'm assuming that we don't have any other
9 pending legal issues that we need to wrestle with,
10 correct?

11 MR. ACKEN: No, Mr. Chairman.

12 CHMN. KATZ: And all financial arrangements for
13 accommodations and everything else have been taken care
14 of. And ACC Staff has been, obviously, notified, and are
15 present here today. And I don't think we need to go
16 through the review of the CEC -- proposed CEC today. We
17 can probably wait until the end of all of the evidence.
18 My wife's going to be at -- go get it, Katie, and tell
19 them they can call me back in about 10 minutes or so.

20 Anyway, that all being said, are there any --
21 have all required permits either been issued or applied
22 for?

23 MR. ACKEN: Yes, Mr. Chairman. The only other
24 major permit required is that Special Use Permit from
25 Navajo County, which was obtained last month.

1 CHMN. KATZ: Okay. Anyway, notebooks. I need
2 at least one notebook that has the exhibits in it. We
3 already have an application, and that all being said, you
4 know that we'll have tablets and the exhibits will be on
5 tablets as well that would be available to the committee
6 members, correct?

7 MR. ACKEN: That is correct, Mr. Chairman.

8 CHMN. KATZ: Are there any other issues that we
9 need to be concerned with?

10 MR. ACKEN: Not from my standpoint. I would
11 ask my team if there's anything I missed that we should
12 highlight at this time.

13 Hearing nothing --

14 MR. GARDNER: This is Rob. Can everyone hear
15 me?

16 CHMN. KATZ: Yes.

17 MR. GARDNER: Mr. Chairman, I do not think that
18 there will be tablets. I believe we're providing paper
19 copies.

20 CHMN. KATZ: That's fine.

21 MR. GARDNER: Okay. Just wanted to clarify
22 that. That's all.

23 CHMN. KATZ: Well, I'm looking forward to
24 seeing you all on the 11th. If anything comes up,
25 contact Tod. I'll be checking my e-mail regularly.

1 So, Tod, is there anything else we need to
2 discuss?

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

4 CHMN. KATZ: Okay. You all take care. And
5 I'll see you later. Bye-bye.

6 MR. ACKEN: Thank you. Good luck.

7 (Proceedings concluded at 2:19 p.m.)

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1 STATE OF ARIZONA)
COUNTY OF MARICOPA)

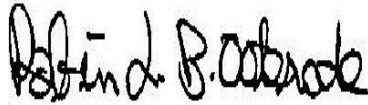
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7 I CERTIFY that I am in no way related to any of
8 the parties hereto nor am I in any way interested in the
outcome hereof.

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 5th day of October, 2022.

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14



ROBIN L. B. OSTERODE, RPR
CA CSR No. 7750
AZ CR No. 50695

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* * * * *

18 I CERTIFY that Glennie Reporting Services, LLC,
19 has complied with the ethical obligations set forth in
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