

1 BEFORE THE ARIZONA POWER PLANT LS-254  
 2 AND TRANSMISSION LINE SITING COMMITTEE  
 3  
 4 IN THE MATTER OF THE APPLICATION ) DOCKET NO.  
 OF MARICOPA ENERGY CENTER, LLC, ) L-21206A-22-0243-00207  
 5 OR ITS ASSIGNEES, IN CONFORMANCE )  
 WITH THE REQUIREMENTS OF A.R.S. ) LS CASE NO. 207  
 6 § 40-360, et seq., FOR A )  
 CERTIFICATE OF ENVIRONMENTAL )  
 7 COMPATIBILITY AUTHORIZING THE )  
 MARICOPA ENERGY CENTER 500KV )  
 8 TRANSMISSION LINE PROJECT. ) EVIDENTIARY  
 ) HEARING

9  
 10 At: Goodyear, Arizona  
 11 Date: October 24, 2022  
 12 Filed: October 28, 2022

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 (Pages 1 through 146)

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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, at the Hampton Inn & Suites Phoenix-Goodyear,  
5 2000 North Litchfield Road, Goodyear, Arizona commencing  
6 at 1:03 p.m. on the 24th day of October, 2022.

7

8 BEFORE: PAUL A. KATZ, Chairman

9 DAVID FRENCH, Arizona Department of Water Resources  
10 JAMES PALMER, Agriculture Interests  
11 MARY HAMWAY, Incorporated Cities and Towns  
12 RICK GRINNELL, Counties (via videoconference)  
13 KARL GENTLES, General Public (via videoconference)  
14 JACK HAENICHEN, General Public  
15 MARGARET "TOBY" LITTLE, PE, General Public

13

14 APPEARANCES:

15 For the Applicant:

16 OSBORN MALEDON, P.A.  
17 Ms. Meghan H. Grabel  
18 Mr. Elias J. Ancharski  
2929 North Central Avenue, 21st Floor  
Phoenix, Arizona 85012

19 For Intervenor Courthouse Ag Holdings, LLC

20 CLARK HILL PLC  
21 Mr. Sean M. Carroll  
14850 North Scottsdale Road  
22 Suite 500  
Scottsdale, Arizona 85254

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25

1 CHMN. KATZ: We're on the record. This is the  
2 time set for a hearing on the application for CEC 207  
3 presented to us by Maricopa Energy 500kV Transmission  
4 Line Project, and I would ask counsel who is appearing on  
5 behalf of the applicant to please identify herself or  
6 themselves because I believe there are two of them.

7 MS. GRABEL: Thank you, Mr. Chairman. Hello,  
8 Committee members. Meghan Grabel from Osborn Maledon on  
9 behalf of Maricopa Energy Center. And with me from my  
10 firm is Elias Ancharski.

11 CHMN. KATZ: Thank you very much.

12 And we have a potential intervenor, and I would  
13 ask counsel for the intervenor or potential intervenor to  
14 identify himself for the record and to indicate on whose  
15 behalf he is appearing here today.

16 MR. CARROLL: Very good. Thank you, Chairman  
17 Katz. My name is Sean Carroll. I'm with law firm of  
18 Clark Hill. We are appearing on behalf of intervenor  
19 Courthouse Ag Holdings, LLC, assuming the intervention is  
20 approved. Also with me is my partner, Tom Anson, who's  
21 in a different office of our firm in Texas, but he is  
22 here today assisting. He's not pro hac'd in or admitted  
23 to the State of Arizona, but he's very knowledgeable so  
24 he's going to be assisting today.

25 CHMN. KATZ: Okay. And what I'd like to find



1 out what is the reason that you're seeking intervention,  
2 just in a nutshell?

3 MR. CARROLL: In a nutshell, the proposed  
4 alternate Route B will have significant damaging impacts  
5 on an existing 90-plus-year-old agricultural farm  
6 operation that has been on the properties that it would  
7 surround. There is a proposed Alternate B which would go  
8 along the entire western and southern boundaries of this  
9 farm.

10 And so we will be presenting evidence about the  
11 deleterious impacts, but clearly we're very concerned  
12 because this is a 90-plus-year-old business. The impacts  
13 of having 190-foot or 220-foot 500kV transmission lines  
14 in such close proximity causes a significant amount of  
15 disruption and interference with the ongoing business  
16 operations.

17 CHMN. KATZ: Thank you. And your associate, who  
18 I understand is largely here to assist you but won't  
19 likely be speaking, your last name, sir? It's Tom;  
20 correct?

21 MR. ANSON: My first name is Tom. My last name  
22 is Anson, A-n-s-o-n. And I'm just here sort of as an  
23 assistant to Mr. Carroll since I can't put in an  
24 appearance as a witness today -- or as attorney today.  
25 I'm just passing him notes. Thank you.

1 CHMN. KATZ: That's fine.

2 MR. CARROLL: And I would be remiss, he is my  
3 partner, too, so.

4 CHMN. KATZ: And probably senior too; right?

5 MR. CARROLL: He's forgotten more than I know.

6 CHMN. KATZ: Okay. Anyhow, the first thing I'd  
7 like to do is to have a motion, if we have one, to either  
8 allow or not allow the intervention.

9 And I think because the Alternative Route B  
10 could have impact an agricultural operation that we ought  
11 to say yes, ultimately, but I'll leave it to each  
12 individual member's discretion.

13 But before I'm going to do that, I'm going to  
14 ask -- we should take a roll call to make sure we have a  
15 record of who's here. Seated to my left is member --

16 MEMBER LITTLE: Toby Little, representing the  
17 public.

18 MEMBER HAMWAY: Mary Hamway representing cities  
19 and towns.

20 MEMBER PALMER: Jim Palmer representing  
21 agriculture.

22 MEMBER FRENCH: David French, designee for the  
23 Department of Water Resources.

24 MEMBER HAENICHEN: Jack Haenichen representing  
25 the general public.

1 CHMN. KATZ: Thank you very much. And Rick  
2 Grinnell, I believe, is appearing virtually. And I think  
3 we may also have another one of our members appearing  
4 virtually. And I'd ask both of them to just introduce  
5 themselves. Mr. Grinnell.

6 MEMBER GRINNELL: Good afternoon. Rick Grinnell  
7 representing the public.

8 And, Mr. Chair, I have -- I am waiting for a  
9 long-distance conference call.

10 CHMN. KATZ: That's fine. You can rejoin us.  
11 We have plenty of folks, and we have Karl Gentles I also  
12 believe appearing; correct?

13 MEMBER GENTLES: Yes, Mr. Chairman. This is  
14 Member Gentles.

15 CHMN. KATZ: Thank you.

16 MEMBER GENTLES: And I am present.

17 CHMN. KATZ: Thank you very much. That all  
18 being said, do we have a motion from anybody on the  
19 Committee to either allow the intervention or to oppose  
20 the intervention one way or the other and vote on that?

21 MEMBER HAENICHEN: I move that we allow them.

22 MEMBER PALMER: I'll second that.

23 CHMN. KATZ: All in favor, say aye.

24 (A chorus of "ayes.")

25 CHMN. KATZ: Anyone opposed?

1 (No response.)

2 CHMN. KATZ: The intervenor will be permitted to  
3 participate, and I do understand they will potentially be  
4 cross-examining witnesses and calling two or three  
5 witnesses of their own.

6 MR. CARROLL: That is correct. Thank you.

7 CHMN. KATZ: And I also believe there's a  
8 stipulation to allow Mr. Martori, who is one of your --  
9 is one of the intervenor's witnesses to testify sometime  
10 this afternoon?

11 MR. CARROLL: Correct. Counsel was kind enough  
12 to accommodate Mr. Martori who has some medical  
13 appointments tomorrow, and we've agreed that he will go  
14 on or around 3:00.

15 CHMN. KATZ: That's fine. And the next thing we  
16 need to do is talk about a tour. And I don't think in  
17 light of the fact that we've had other matters in this  
18 general vicinity, that the lines are going either on  
19 private property or state trust lands, and there is  
20 agriculture, but there isn't high density residential or  
21 industrial or commercial.

22 But I would ask Ms. Grabel why she thinks we  
23 should or shouldn't take a tour of this area.

24 MS. GRABEL: Thank you, Mr. Chairman, Committee  
25 members.

1 We do not believe a tour is necessary. It is a  
2 very -- you know, not much on this topography.

3 You have had two CEC proceedings within the last  
4 year, the HV Sunrise proceeding and the RE Papago  
5 proceeding almost in this exact vicinity. I don't  
6 believe you took tours in those locations. It is a very  
7 congested energy corridor. You really wouldn't be seeing  
8 very much.

9 We have also spoken with the intervenor, and  
10 they don't believe a tour is necessary either. And we  
11 have a virtual tour, of course, prepared, so that you see  
12 the line against the topography.

13 CHMN. KATZ: What's your position, Mr. Carroll?

14 MR. CARROLL: We will waive the tour. We don't  
15 want to impose. Thank you.

16 CHMN. KATZ: And I'll leave it to the Committee  
17 that we either waive the tour or take the tour.

18 MEMBER HAMWAY: I move that we waive the tour.

19 MEMBER HAENICHEN: Second.

20 CHMN. KATZ: Any discussion? All in favor?

21 (A chorus of "ayes.")

22 CHMN. KATZ: Anyone opposed?

23 (No response.)

24 CHMN. KATZ: We won't be taking the tour so you  
25 won't have to reschedule the bus ride or lose money. So

1 with all being said, how are we going -- let's see, okay.

2 Are you going start out with a panel  
3 presentation, or we could have opening remarks if you  
4 want to give a brief summary of where we're at,  
5 Ms. Grabel.

6 MS. GRABEL: Certainly. I do have an opening  
7 statement prepared if we can put that on the screen.

8 Thank you. So Chairman, Committee members, as  
9 we said, I represent the applicant for the CEC to  
10 construct -- to authorize the construction of a double  
11 circuit or single circuit 500kV transmission line rated  
12 for up to 2,000 megawatts of capacity and a 500kV  
13 switchyard in Maricopa County, Arizona.

14 You will hear the proposed project referred to  
15 as the Maricopa Energy Center 500kV Transmission Line  
16 Project, or simply the project.

17 By way of a brief summary, the project consists  
18 of the construction of a new transmission service line  
19 and associated switchyard that will interconnect at an  
20 up-to 550 megawatt alternating current solar array and  
21 battery energy storage system to be constructed by the  
22 applicant to the APS Delaney 500kV substation.

23 As the Committee knows, this area is located in  
24 a highly congested and competitive energy corridor. The  
25 Delaney Substation connects to the Palo Verde energy hub,

1 which makes it an attractive location for generation  
2 interconnection to market their energy throughout Arizona  
3 and indeed the entire southwest.

4 In fact, as I just noted, two similar solar plus  
5 storage energy projects were granted CECs in this precise  
6 study area over the past year. The RE Papago project  
7 received a CEC in late September of last year, and the  
8 HV Sunrise project was granted two CECs approving  
9 different routes in June of this year. We also recently  
10 learned that a third developer is purchasing land within  
11 our study area. The Harquahala Power Plant and a  
12 corresponding 500kV gen-tie are also located in the  
13 southern portion of the study area.

14 Given the plethora of competing energy  
15 development in this area, obtaining site control is  
16 difficult. Certain developers have already purchased  
17 much of the land in the location and are not always  
18 willing to contract with competing developers. When  
19 options to purchase a right of way expire, the ability to  
20 renew them is made difficult by new developers who move  
21 in to compete for control of the same parcel of land.

22 For these reasons, Maricopa Energy Center seeks  
23 approval to construct two proposed routes, only one of  
24 which of one will be constructed. So we seek approval of  
25 two, but we're only going to construct one.

1           The first, Alternative A, has evolved as a  
2 result of production conversations the applicant has had  
3 with the intervenor in this case, Courthouse Ag Holdings.

4           In order to avoid constructing the line along  
5 the northern border of the intervenor's property,  
6 Maricopa Energy Center has agreed to begin the line at  
7 the proposed S17 switchyard and move from there to the  
8 Delaney Substation via the Flood Control District of  
9 Maricopa County's Saddleback Flood Retardant structure.

10           This alternative may be rated up to 2,000  
11 megawatts of capacity and would be single circuit. A  
12 sub-Alternative A1 is an option to Alternative A that  
13 affects the position furthest south and closest to  
14 Delaney.

15           Alternative A is approximately 5.7 miles long,  
16 paralleling existing linear features such as roads and  
17 existing transmission lines or land patterns such as  
18 section lines for the entirety of its length.

19           Notably, by agreeing to begin the line at S17  
20 instead of S13 as originally proposed, the project will  
21 suffer from energy line losses that will cost the  
22 applicant millions of dollars over the life of the  
23 project. This was a significant concession to address  
24 the intervenor's concerns and one that we certainly did  
25 not take lightly.



1           Alternative B will begin at the S13 switchyard  
2 area and travel south and then west to the Delaney  
3 Substation using the existing Harquahala Power Plant  
4 infrastructure.

5           This alternative also could be rated up to 2,000  
6 megawatts of capacity with approximately four miles  
7 constructed as a single circuit line and approximately  
8 4.5 miles as a double circuit configuration. The double  
9 circuit portion would involve rebuilding the existing  
10 Harquahala to Hassyampa 500kV transmission line into a  
11 double circuit for those four and a half miles. This  
12 alternative parallels existing linear features or land  
13 patterns also for the entirety of its length.

14           The intervenor opposes this alternative for  
15 reasons that I will address momentarily and proposes two  
16 different alternatives.

17           We did examine the alternatives proposed by the  
18 intervenor and have attempted over the course of the past  
19 month to obtain land rights to make those alternatives  
20 workable. In fact, we reached out again just this  
21 weekend to confirm that those options were indeed off the  
22 table. Unfortunately, the landowners of the parcels  
23 along the boundaries running north and south proposed by  
24 the intervenor have already committed that property to  
25 another solar developer who is unwilling to bisect its

1 property to accommodate our line.

2 They're simply not feasible options.

3 Even so, it is important that the Committee  
4 approve both of the applicant's proposed alternatives to  
5 ensure that the project remain viable.

6 We have committed to making our Alternative A  
7 our preferred route for several reasons, but have yet to  
8 obtain site control over its entire length.

9 Candidly, the existence of a second alternative,  
10 B, gives Maricopa Energy much better leverage in land  
11 right negotiations with the landowners along Route A  
12 because those owners know that we have another option  
13 approved. Without an approved alternative, the  
14 landowners along Route A have no incentive to negotiate  
15 reasonably and could impose conditions on any easement  
16 that simply kill the project. This is not hyperbole, it  
17 really is the nature of the competitive energy  
18 environment in this area.

19 Put simply, approval of two alternatives  
20 alleviates the risk that a landowner, including a  
21 landowner that owns a competing project, can block this  
22 energy project for their own competitive purposes.

23 The applicant's request for the authority to  
24 construct a second route in the event the first one falls  
25 through is not novel. On several occasions this

1 Committee and the Commission has approved CECs with  
2 alternative routes for precisely this reason and, in  
3 fact, just did so in June. And we ask that the Committee  
4 give us similar flexibility here.

5 This map, which you will see often, is identical  
6 to the laminated placemat in front of you which has  
7 marked and prefiled as Exhibit MEC-3.

8 On the flip side of your placemat is a  
9 simplified version which better focuses on the two  
10 proposed routes. We will be referring to each of these  
11 throughout the presentation.

12 As you can see, the red outline on the left side  
13 of the map represents the proposed solar array.

14 Moving from that red outline towards the east,  
15 you will see Alternative A, the green line with the  
16 sub-alternative marked in yellow beginning at the S17  
17 switchyard and ending in Delaney Substation.

18 Alternative B is in the orange line. It drops  
19 south and then turns east into Delaney Substation. This  
20 projects is located entirely in Maricopa County. We're  
21 requesting various corridor lengths -- widths, excuse me,  
22 the purpose of which we'll explain during the hearing.

23 Over the next day or so you will hear testimony  
24 regarding how the Maricopa Energy Center project meets  
25 Arizona's need for an adequate economic and reliable

1 supply of power. The main purpose of the project is to  
2 interconnect the solar array and battery storage to  
3 Delaney for transmission throughout the state and to  
4 bolster Arizona utilities as clean energy objectives.

5 Specifically the project is set to help Arizona  
6 and the southwest meet their growing energy needs in the  
7 face of coal retirements and concerns with the future  
8 unavailability of hydroelectric power given the shortages  
9 we have seen, we experienced, with the drought which will  
10 certainly continue into the foreseeable future.

11 The project will also provide excess  
12 transmission capacity into the region, mitigating the  
13 need for additional infrastructure into the Delaney  
14 Substation.

15 In sum, the evidence will show that the project  
16 improves the efficiency and reliability of the electric  
17 grid in Arizona and enhances Arizona's access to  
18 renewable generation resources. Ultimately, the project  
19 is required to increase electric reliability and serve  
20 Arizona customers' growing energy needs with minimal  
21 impact to the environment and ecology of the state.

22 We have reviewed the material presented by the  
23 intervenor and would note a couple of things.

24 The first is that the intervenor's concerns have  
25 evolved considerably since public comment was made first

1 on their behalf.

2           While they did during the early public comment  
3 periods note a vague concern about impacts to crop  
4 dusting, they did not explain why their land, which is  
5 already surrounded by a sea of energy infrastructure  
6 around which crop dusters must navigate, was unique  
7 because of the existence of a landing strip or the  
8 presence of honeybees.

9           Even when we sat down with the first -- first  
10 with the landowner's team and then the landowner's team  
11 and the Arizona Corporation Commission Staff and had  
12 hour-long conversations about the intervenor's concerns,  
13 they said nothing at all about the potential impact of  
14 Route B on aviation or bees.

15           Rather, their concern was twofold. The first  
16 was an EMF impact to crop seedlings and humans and the  
17 second was a visual impact to a future hypothetical  
18 residential development and the attendant perceived  
19 diminution value of their property.

20           As you will hear, the evidence suggests no such  
21 adverse impact of EMF of our project to the landowner's  
22 crop.

23           And the Committee is permitted by statute to  
24 consider only existing or planned developments, not  
25 developments that may hypothetically occur in the future.

1           Nevertheless, we sat down with the intervenor.  
2 We took their concerns seriously, and we made significant  
3 modifications to our Route A to alleviate those concerns.  
4 And we made Alternative A our preferred route  
5 notwithstanding the value implications to our project in  
6 doing so.

7           It wasn't until the intervenor's exhibits were  
8 filed at the end of the day last Wednesday that we first  
9 saw any indication about EMF concerns related to  
10 honeybees or that there was a landing strip on the  
11 property that needed to be considered with respect to the  
12 proposed Alternative B.

13           Our team has had numerous crews working in this  
14 area, and none reported evidence of a landing strip.  
15 There's no signage to that effect, no wind sock, no  
16 aircraft. In short, no evidence that this was something  
17 the team should have considered.

18           Nor were we aware that because of honeybees, the  
19 intervenor's property can only be dusted by aircraft in  
20 the evening, which further complicates the concerns.

21           Had we known these facts during our discussions,  
22 we would have addressed them head on. That said, we are  
23 sympathetic to the intervenor's position, and we believe  
24 that solutions to this challenge exist and are willing to  
25 work with the intervenor to mitigate any impact

1 Alternative B may have on crop dusting and aviation needs  
2 if Alternative B must be constructed. Which, again, it  
3 may not be. It is not our preferred alternative.

4 So on to some housekeeping items. Each of the  
5 Committee members present should have a binder with all  
6 of the exhibits and materials that the Maricopa Energy  
7 Center team intends to use throughout the hearing. You  
8 should also, those present here, should have a laptop in  
9 front of you with the exhibits downloaded on them. At  
10 the front of each binder is a list of the exhibits and a  
11 flash drive that includes both the exhibits and the  
12 virtual tour you're going to take today.

13 Finally, Exhibit MEC-19 is the proposed form of  
14 CEC that we will review at the close of the hearing. As  
15 required by the Procedural Order, that proposed CEC  
16 contains references to the case numbers from which the  
17 various conditions were contained and taken.

18 And also importantly, pursuant to the joint  
19 stipulation with the intervenor, we have also included a  
20 condition in the CEC related to underground and various  
21 collection facilities north of the intervenor's property.

22 Why isn't this working? I can't advance. IT,  
23 can you guys help me advance? It's not advancing. Oh,  
24 there we go.

25 So to the question you asked earlier,

1 Mr. Chairman, we are going to present two panels today.

2 The first is a technical panel on which, first,  
3 Mr. Marcus da Cunha, a senior project developer with  
4 Savion Energy will provide an overview of the project and  
5 the applicant and testimony regarding compliance with  
6 statutory notice requirements. Mr. da Cunha will also  
7 present the project's purpose and benefits as well as the  
8 need for the project. He will also do a virtual flyover  
9 of the project.

10 On the technical panel, Mr. da Cunha will be  
11 joined by Mr. Richard Knox, a principal project manager  
12 for Wood Group. He won't present any slides during the  
13 technical panel but will be available to answer any  
14 questions that Mr. da Cunha is not able to answer.

15 We will then hear from the environmental panel  
16 on which Mr. Knox will also sit and describe the siting  
17 process used to identify the alternative routes and the  
18 environmental studies undertaken related to the project.  
19 Mr. Knox will also provide an overview of the relevant  
20 data collected from agencies and the public through the  
21 public engagement process.

22 Also on the environmental panel we will present  
23 testimony from Mr. Milind Khot from the Wood Group who is  
24 an expert on EMF impacts from transmission lines and  
25 Mr. Matt Fieldgrove, a crop duster who will discuss



1 potential solutions to the dusting and aerial constraints  
2 on the intervenor's property if Route B must be  
3 constructed.

4 We believe, in conclusion, that at the close of  
5 proceeding you will believe -- you will conclude that the  
6 evidence shows that the Maricopa Energy Center project  
7 will help meet Arizona's need for an adequate,  
8 economical, and reliable supply of power with minimal  
9 impacts to the environment and ecology of the state.

10 We respectfully request that you approve both  
11 routes, recognizing that Alternative B will be  
12 constructed only failing the viability of Alternative A.

13 With that, I believe perhaps Mr. Carroll has an  
14 opening statement.

15 MR. CARROLL: Thank you.

16 CHMN. KATZ: You do your choice of going now or  
17 waiting till they rest. But feel free to go ahead now.

18 MR. CARROLL: If I may, I may go now. I know  
19 I'm limited under the rules to merely five minutes.

20 CHMN. KATZ: Fine.

21 MR. CARROLL: So I will keep it brief.

22 MEMBER GRINNELL: Mr. Chairman?

23 CHMN. KATZ: Yes, Mr. Grinnell.

24 MEMBER GRINNELL: And, again, I am just in  
25 receipt literally this morning of two boxes full of

1 documents I believe from honeybee? Is that correct?  
2 Agriculture?

3 CHMN. KATZ: I don't know when they were sent,  
4 but there are two notebooks with exhibits in them from  
5 the applicant.

6 MEMBER GRINNELL: They're not the applicant.  
7 I'm talking about it looks like the intervenor.

8 MR. CARROLL: Yeah, there is a notebook that  
9 contains scientific literature that is part of the  
10 evidence that our EMF expert will be explaining the  
11 impact of EMF on honeybees.

12 MEMBER GRINNELL: Okay. But here's my concern.  
13 I literally just got this this morning. It was not in  
14 the mail on Saturday. And this is just an enormous  
15 amount of information. I realize you're going to have  
16 people testify, but I feel a little concerned that we're  
17 receiving this at the last minute. I think it's unfair  
18 for the Committee to receive a plethora of information,  
19 and I literally -- I'm disappointed that this took so  
20 long to get to the Committee.

21 The two other books I've had for a week or ten  
22 days at least. Maybe even longer. Now I'm just  
23 literally receiving this stuff from the intervenor.

24 I might recommend that -- I don't know what I  
25 recommend. I'm just disappointed that we're receiving

1 this in this kind of a manner. That's all my comment.

2 MR. CARROLL: Certainly, our apologies. I was  
3 unaware that applicant had exchanged exhibits early. We  
4 had actually proposed that with the applicant. But we  
5 were told that they wanted to do it the night before.

6 If you -- if it rests your mind at all at ease,  
7 the vast majority of that notebook is simply scientific  
8 literature. Should you wish to peruse it you certainly  
9 can. But the actual thrust of the testimony is far  
10 briefer than that. I think it's limited to something  
11 like six to ten pages at most. We simply provided it in  
12 the event somebody wanted to read all the scientific  
13 literature.

14 MEMBER GRINNELL: Well, the State budget isn't  
15 as big as the information I received this morning.

16 MR. CARROLL: Well, and fair enough. Hopefully  
17 that underscores our concerns a little bit.

18 MS. GRABEL: Just for the record, we did not  
19 file any exhibits early. We filed them on the exhibit  
20 deadline, which was last Wednesday.

21 CHMN. KATZ: Was it on or before the prehearing  
22 conference?

23 MS. GRABEL: The day before the prehearing  
24 conference, correct.

25 CHMN. KATZ: Member Hamway.

1           MEMBER HAMWAY: Yeah, my personal problem with  
2 receiving all of that was I estimated I received four  
3 reams of paper, and if you replicate that 26 times, it  
4 ends up being 104 reams of paper wasted on something you  
5 said we could do in eight to ten pages. I just find it  
6 obscene that you sent me all of that and you only need  
7 eight to ten pages.

8           I'm just registering my frustration with  
9 whatever -- whatever part of the statute made you believe  
10 that you needed to do that. We need to address that as a  
11 Committee. Because we cannot -- I personally think  
12 that's awful. I'm not blaming you. I believe that you  
13 believed you had to do it. And so that's what my point  
14 is. What in the statute made you believe you had to do  
15 that?

16           CHMN. KATZ: Are you addressing that to the  
17 intervenor?

18           MEMBER HAMWAY: I don't know who I'm addressing  
19 it to.

20           CHMN. KATZ: Yeah, we have several -- two large  
21 notebooks from the applicant, and we have the recently  
22 exchanged documents from the intervenor.

23           MEMBER HAMWAY: I guess I'm just putting that  
24 out there. You don't have to explain it.

25           CHMN. KATZ: Right.

1 MEMBER HAMWAY: But we just have to fix this so  
2 that future intervenors or future applicants do not  
3 believe that they have to print every study that's ever  
4 been presented to make their case. It's just a waste of  
5 paper and trees and time and resources.

6 CHMN. KATZ: I don't want to go through all of  
7 that today, but I'm not sure that the hearing exhibits  
8 necessarily need to be filed with the Corporation  
9 Commission with 25 copies. Clearly, the application has  
10 to be filed with them and pleadings have to be filed, but  
11 I'd rather discuss that at some other time. Because,  
12 historically, we've been able to save a lot of paper by  
13 just having the exhibits presented, particularly to the  
14 Committee members, virtually on a tablet of some sort.

15 But what I want to do is go forward, and we'll  
16 see where we're at when it comes time for exhibits to be  
17 offered. I want our record to be complete. But,  
18 obviously, when we have reams of paper, I haven't studied  
19 all of the exhibits. I've looked through the important  
20 ones. I've read and reviewed the application and all of  
21 its exhibits.

22 That all being said, Mr. Carroll, feel free to  
23 make your opening statement.

24 MR. CARROLL: Thank you very much.

25 If I may please request that our opening

1 statement PowerPoint please be presented.

2 CHMN. KATZ: That's fine.

3 MR. CARROLL: Thank you. Just introduce myself,  
4 my name is Sean Carroll again. I am with the law firm of  
5 Clark Hill. We represent Courthouse Ag Holdings as the  
6 intervenor in this matter.

7 I just want to go -- start briefly with a little  
8 bit of background about who the intervenor is. And,  
9 first of all, just state that we don't want to be here  
10 today, but it just is a necessity for the importance of  
11 what the proposed route, particularly Route B, means for  
12 our business.

13 Courthouse Ag Holdings, LLC, is owned by the  
14 Martori family which also owns Martori Farms. It is a  
15 fourth generation Arizona family-owned business. It has  
16 been in operation since the 1930s, and it employs at the  
17 height of its harvesting operation approximately 1,250  
18 employees throughout the state of Arizona.

19 The property that would be impacted here is  
20 approximately 1,200 acres in Sections 19, 30, and a  
21 portion of Section 18 on which Martori Farms grows  
22 primarily melons and operates 19 greenhouses.

23 As part of their operation, they are the largest  
24 grower and shipper of melons in the United States,  
25 supplying to organizations and companies like Kroger,

1 Hy-Vee, Costco, Walmart.

2 The 19 greenhouses that are located on the  
3 northwestern portion of Courthouse Ag's property nurture  
4 125 million seedling plants that are used to populate all  
5 of the Martori Farms fields throughout the state of  
6 Arizona.

7 In the proposed routes, MEC, Maricopa Energy  
8 Center, is seeking approval for two routes.

9 Proposed Alternative 1A -- or A to A1 which is  
10 the result of a cooperative dialogue between the  
11 applicant and the intervenor.

12 I do take a little issue with the cooperative  
13 nature of the discussions that were had. The evidence,  
14 in particular the prefiled testimony from Mr. Martori,  
15 will show that it is certainly through no fault of ours  
16 that we have had to get to this point. There was not the  
17 typical outreach that you might expect, and there was not  
18 a typical -- the typical type of cooperation you might  
19 expect on a project that would have such significant  
20 impacts as the evidence here will show that this project  
21 would have.

22 But, nonetheless, the parties were able to reach  
23 a stipulation that resulted in the elimination on the  
24 previous A route from the S13 location solely to the S17  
25 route.

1 Courthouse is happy to support that. It is not  
2 anti-development. It recognizes the important role that  
3 renewable energy plays, particularly in the developing  
4 world, and so as a result, it is happy to support that.

5 However, with respect to that, one area we could  
6 not come to agreement on is proposed Alternative B.  
7 Courthouse Ag opposes that because it runs adjacent to  
8 and encircles both the western and the southern  
9 boundaries.

10 As you can see as reflected by the blue line  
11 which is a buffer zone, but just below that is the orange  
12 line. Martori property is immediately to the right of  
13 that line, and it traverses the entire western boundary  
14 and again along the southern boundary of it.

15 If I may, in fact, to the extent it helps --

16 CHMN. KATZ: One thing that would be helpful if  
17 you use a laser pointer. Our tech folks can also have  
18 the cursor to follow.

19 MR. CARROLL: I bought a laser pointer for this,  
20 so hopefully that helps. Thank you for the suggestion  
21 too.

22 So the Martori property, to give you an example,  
23 is right there. Sorry for the shaky hands. This  
24 property there. And then under that is a little --  
25 that's where the greenhouses are located. We'll have



1 some more detailed photographs for you folks here today  
2 to be able to get a better flavor for it.

3 We are going to present three primary witnesses.

4 Stephen Martori, who is a principal of Martori  
5 Farms and of Courthouse Ag. He's an experienced pilot  
6 with 10,000 hours and the highest certificate that you  
7 can get from the FAA on aviation. He's going to testify  
8 that the proposed Route B will create aerial hazards in  
9 the area. Constructing what I understand are now  
10 220-foot transmission lines that encircle your property  
11 will have significant impacts -- well, 190 feet, I think  
12 in some areas they have amended to request 220 feet --  
13 will create significant aerial hazards for crop dusting,  
14 for frost protection flights, and other aircraft that are  
15 crucial to the agricultural operations.

16 This is a landing strip that has been on this  
17 property and utilized for this 90-plus-year-old business  
18 operation for the past 50 years. It is in existing use.  
19 And as a result Mr. Martori will testify about his  
20 personal aviation experience out there and the real  
21 dangers that transmission lines of that size pose.

22 These are significantly different than a 69kV  
23 line, which is significantly shorter. I've been out  
24 there and I've stood at it and I've multiplied on top of  
25 how many times the kV line would -- would be less than

1 the proposed lines that are at issue here. And it's a  
2 real difference.

3           The other problem that you've got really is that  
4 EMF is going to be significant, being emanated from a  
5 500kV line. The line on proposed B would actually come  
6 very close, in fact, I think in the applicant documents  
7 show they would come 300 feet from greenhouses, which  
8 you'll see photos of here today, which are staffed and  
9 populated, full of 125 -- produce 125 million seedlings  
10 per year. They're staffed 24 hours a day, seven days a  
11 week. And without these greenhouses Martori Farms would  
12 basically have no harvest.

13           Perhaps the largest impact that we have that  
14 would be caused by the EMF, of course, though, are  
15 honeybees. You'll hear from Dr. Nickolaos Savidis, who  
16 is a Ph.D. He's got more degrees than I can count. He  
17 will explain the impact that EMF in very low frequencies  
18 but certainly in proximity will have on honeybees.  
19 Certainly there's been plenty of publicity in years to  
20 recognize how crucial honeybees are to not only the food  
21 cycle but if you consider its impact on agricultural  
22 operations.

23           The level of EMF that would be emanated from  
24 these would devastate the honeybee population that are  
25 trickled throughout Martori Farms' properties,

1 particularly on the edges. They can't just simply be  
2 moved, and as Mr. Martori will testify, they're in  
3 specific locations to increase pollination rates.

4 Finally, we'll have Harold, Hal for short, Hal  
5 Hughes talking about the applicable routing factors that  
6 support approval of the modified A route that was  
7 negotiated. But, further, he's going to propose two  
8 alternate routes, B1 and B2, which are in his prefiled  
9 testimony.

10 It's important to note that the applicant had  
11 the option rights on all of the property that is being  
12 proposed as these alternatives. The applicant allowed  
13 those property rights to expire voluntarily in March of  
14 2022. After -- more than two months after Mr. Martori  
15 raised all of the concerns that you'll be hearing about  
16 today. They voluntarily allowed those to lapse.

17 And so it is -- and, in fact, where proposed  
18 Route B is currently residing, actually some of the  
19 property rights that they had previously, it's with the  
20 same property owner. So we understand and think that the  
21 optionality, should they require it, they should be able  
22 to go and revive those rights.

23 Based on the evidence that you will hear, we  
24 respectfully request that this Committee approve Maricopa  
25 Energy Center's proposed Alternative A, that it reject

1 proposed Alternative B. And that if it's required to  
2 have optionality, if it truly believes that it requires  
3 it, that at most that this Committee approve the modified  
4 routes that Mr. Hughes will explain in detail marked as  
5 Alternative B1 and Alternative B2.

6 Thank you.

7 CHMN. KATZ: Okay. That all being said, we can  
8 begin. And are we just dealing initially with the two  
9 gentlemen, Mr. Knox and Mr. da Cunha?

10 MS. GRABEL: Yes, Mr. Chairman, that's true.

11 CHMN. KATZ: Do you gentlemen prefer an oath or  
12 an affirmation? I can do both or I can do one for both  
13 of you.

14 MR. DA CUNHA: Affirmation is fine.

15 CHMN. KATZ: Both agree? I don't need you to  
16 stand. Just raise your right hand.

17 (Marcus da Cunha and Richard Knox were duly  
18 sworn or affirmed, en mass, by the Chairman.)

19 CHMN. KATZ: Thank you very much. And, Counsel,  
20 you may begin.

21 MS. GRABEL: Thank you, Mr. Chairman.

22 //

23 //

24 //

25 //

1                   MARCUS DA CUNHA and RICHARD KNOX,  
2 called as witnesses as a panel on behalf of Applicant,  
3 having been previously affirmed or sworn by the Chairman  
4 to speak the truth and nothing but the truth, were  
5 examined and testified as follows:

6

7

DIRECT EXAMINATION

8 BY MS. GRABEL:

9       Q.     Mr. da Cunha, please state your full name and  
10 business address for the record.

11       A.     (MR. DA CUNHA) Marcus da Cunha, 650 California  
12 Street, San Francisco, California 94108.

13       Q.     By whom are you employed and in what capacity?

14       A.     (MR. DA CUNHA) My employer is NES Global, a  
15 consulting, engineering, contracting firm. We provide  
16 services to a number of different energy companies  
17 including Shell. And I am contracted to provide  
18 development consulting services to Shell and its  
19 affiliate, Savion Energy, and the Maricopa Energy Center,  
20 LLC. That's what it is.

21       Q.     And what is your role in this matter?

22       A.     (MR. DA CUNHA) I'm the lead developer of the  
23 solar project and the transmission line project.

24       Q.     You have before you a book of exhibits. Do you  
25 see that?

1 A. (MR. DA CUNHA) I do.

2 Q. Will you please look at Exhibit MEC-1 which is  
3 the CEC application that was submitted in this matter?

4 A. (MR. DA CUNHA) I have it.

5 Q. Have you seen this document before?

6 A. (MR. DA CUNHA) Yes.

7 Q. Was it prepared by you or under your direction  
8 and control?

9 A. (MR. DA CUNHA) Yes.

10 Q. Are the exhibits contained in Exhibit MEC-1 true  
11 and correct to the best of your knowledge?

12 A. (MR. DA CUNHA) Yes.

13 Q. Do you have any amendments you would like to  
14 make to Exhibit MEC-1?

15 A. (MR. DA CUNHA) Not at this time.

16 Q. Well, we actually do, if you take a look at  
17 Exhibit MEC-2.

18 A. (MR. DA CUNHA) I see what you mean.

19 Q. Yes.

20 A. (MR. DA CUNHA) So, yes, we have two amendments.

21 Q. Can you please explain what the two amendments  
22 contained in Exhibit MEC-2 are?

23 A. (MR. DA CUNHA) Yes. So thanks for the  
24 correction.

25 The first one is that -- for the route A/A1,

1 we're amending to begin that transmission line from  
2 switchyard S17 versus the possibility of beginning at the  
3 switchyard yard S13 siting area.

4 Q. And what is the second amendment?

5 A. (MR. DA CUNHA) Is to raise the highest height  
6 to -- from approximately 190 feet to 220 feet at certain  
7 places.

8 Q. Thank you. So let's take these each in turn.

9 So Exhibit MEC-2-A withdraws the request for  
10 approval of Alternative A commencing at a proposed S13  
11 switchyard, and now seeks approval of Alternative A to  
12 begin from the proposed S17 switchyard only. Is that  
13 correct?

14 A. (MR. DA CUNHA) Yes.

15 Q. Was Exhibit MEC-2-A the result of negotiations  
16 between yourself, the applicant, and the intervenor,  
17 Courthouse Ag Holdings?

18 A. (MR. DA CUNHA) Yes.

19 Q. And did those negotiations result in a  
20 stipulation that the parties reached?

21 A. (MR. DA CUNHA) Yes.

22 Q. If you turn to Exhibit MEC-18.

23 A. (MR. DA CUNHA) Yes.

24 Q. Is this a copy of the stipulation that was  
25 entered between the parties?

1 A. (MR. DA CUNHA) Yes.

2 Q. From the Maricopa Energy side, did you authorize  
3 the contents of this stipulation?

4 A. (MR. DA CUNHA) Yes.

5 Q. And pursuant to that stipulation, does the  
6 applicant also propose to designate the revised  
7 Alternative A as its proposed route -- as its, I'm sorry,  
8 preferred route?

9 A. (MR. DA CUNHA) Yes.

10 Q. What is the impact of this modification to  
11 Alternative A, moving from S13 to S17 to the project?

12 A. (MR. DA CUNHA) It's a loss of net energy  
13 produced delivered at the point of interconnection, which  
14 then translates into loss of revenue and financials for  
15 the project.

16 Q. Have you estimated how much over the life of the  
17 project the applicant is likely to lose in revenues as a  
18 result of the line losses?

19 A. (MR. DA CUNHA) Roughly, we did. It's in the  
20 millions.

21 Q. Millions of dollars?

22 A. (MR. DA CUNHA) Correct.

23 Q. Thank you. Does the designation of  
24 Alternative A as a preferred route obviate the need for  
25 approval of Alternative B?



1 A. (MR. DA CUNHA) No, it does not.

2 Q. Why not?

3 A. (MR. DA CUNHA) Ms. Grabel, Mr. Chairman, so we  
4 are here seeking two routes specifically because we do  
5 not have all -- all the agreements, all the permits from  
6 point to point on either. We are in advanced  
7 conversations with those entities, but we don't have  
8 them.

9 The Delaney Substation, it's very congested and  
10 very competitive, both congested and competitive, and  
11 among other things, the properties right before the entry  
12 into Delaney Substation are owned by a competitor that  
13 has not been very cooperative with us despite, you know,  
14 year and a half to two years of trying to work with them.  
15 If we eliminate Alternative B, that party will only be  
16 more uncooperative with us. So, you know, we'll lose all  
17 leverage of discussing terms with them.

18 So having both options, actually, it's  
19 paradoxical. But having option B on the table helps us  
20 negotiate in option A. So, yes, we absolutely need both  
21 at this time.

22 Q. Thank you. And the intervenor continues to  
23 oppose Alternative B; correct?

24 A. (MR. DA CUNHA) Yes.

25 Q. Did Maricopa Energy work in good faith to

1 address the intervenor's concerns with respect to  
2 Alternative B?

3 A. (MR. DA CUNHA) Yes.

4 Q. Did Maricopa Energy analyze potential  
5 alternatives that would move alternative B further from  
6 the intervenor's property?

7 A. (MR. DA CUNHA) Yes.

8 Q. What were the results of those efforts?

9 A. (MR. DA CUNHA) Well, in a nutshell, sadly we're  
10 not able to satisfy their requests. The intervenor  
11 proposed to us four alternatives on their own, of which,  
12 you know, they all had flaws, and we discussed that with  
13 the intervenor.

14 But specifically one of the requests from the  
15 intervenor was to, firstly, to move that transmission  
16 line that is adjacent to their property one mile farther  
17 west from their property. We discussed with that  
18 landowner, the landowner discussed with their tenant,  
19 which is a competing -- a competitor of ours in the solar  
20 arena. And that competitor declined the request to move  
21 it one mile farther west.

22 And, you know, as recent as this weekend,  
23 Friday, Saturday, Sunday, I discussed again with the  
24 landlord who -- with the landowner who also approached  
25 that future tenants of them to perhaps move just a half

1 mile. And the answer was the same. They're not able to  
2 accommodate that request.

3 So back to your questions, yes, we took it  
4 seriously. We analyzed. We tried. That land is not  
5 available.

6 Q. Perhaps you heard in Mr. Carroll's opening  
7 statement he critiqued us noting that at one point we had  
8 options on the property and that we voluntarily  
9 relinquished those options. Is that an accurate  
10 characteristic of how we lost the land rights to those  
11 properties?

12 A. (MR. DA CUNHA) No, not really. The options  
13 expired in March of this year, 2022. It was the end, if  
14 you will, the natural end of the option. And we  
15 approached the landowner to ask for an extension. And in  
16 asking for an extension, there was also negotiation of  
17 the new price. And, well, the landowner wanted more. We  
18 wanted to perhaps less. The landowner had other parties,  
19 more than one, they said to us, that were interested in  
20 the same land, you know, allegedly bidding higher than we  
21 were. So they were -- they declined to extend that  
22 option with us.

23 We didn't voluntarily let it lapse or we did not  
24 have an interest. Actually, we did have an interest.  
25 But we were outbid.

1 CHMN. KATZ: And were those options for the A  
2 route or the B route, the one that expired?

3 MR. DA CUNHA: Chairman Katz, it's for land that  
4 could be used for the B route.

5 CHMN. KATZ: As an alternative to what you're  
6 currently proposing?

7 MS. GRABEL: Yes.

8 MR. DA CUNHA: Yes. I suppose, yes. Uh-huh.

9 CHMN. KATZ: Go ahead.

10 MS. GRABEL: Thank you.

11 BY MS. GRABEL:

12 Q. The intervenor raises several concerns regarding  
13 the impact of Alternative B on honeybees that reside on  
14 his property. When was the first time that you learned  
15 of that concern?

16 A. (MR. DA CUNHA) Wednesday evening.

17 Q. The day that the exhibits were due?

18 A. (MR. DA CUNHA) Well, after the intervenor filed  
19 and forward to us the link and we clicked and start  
20 reading the testimonies of Mr. Martori and others, that's  
21 when we first learned of the honeybees.

22 Q. How many times did the applicant discuss the  
23 project with the intervenor or his representatives  
24 throughout the project period?

25 A. (MR. DA CUNHA) Well, myself, I had perhaps a

1 couple, three conversations with Mr. Martori during land  
2 site acquisition that goes back to 2020. I know that  
3 colleagues of mine at that time, Shell real estate also  
4 spoke with Mr. Martori including our Realtor with  
5 Cushman & Wakefield. So that alone there you probably  
6 have, you know, perhaps as many as ten interactions.

7 We collectively had a couple of calls with  
8 Mr. Martori this year. Mr. Martori and his counsel  
9 participated in at least two of the open houses we've  
10 had. I know that Ms. Grabel, yourself, and Mr. Carroll  
11 spoke, exchanged e-mails, I reckon, you know, another  
12 dozen times.

13 So you see here, I can confidently say that  
14 since 2020 between Mr. Martori and the project, we  
15 probably had 20 different interactions, whether direct  
16 phone calls, conference calls, or e-mails.

17 Q. At one point we met with the intervenor and the  
18 Arizona Corporation Commission Staff to discuss the  
19 intervenor's concerns; is that correct?

20 A. (MR. DA CUNHA) It is.

21 Q. And during any of these many interactions, did  
22 the intervenor mention any concerns about honeybees at  
23 all?

24 A. (MR. DA CUNHA) No.

25 Q. Did the intervenors mention anything about a

1 landing strip on his property during any of these many  
2 conversations?

3 A. (MR. DA CUNHA) No.

4 Q. Has Maricopa Energy ever witnessed any evidence  
5 of a landing strip on his property on its many site  
6 visits?

7 A. (MR. DA CUNHA) No, and we've had many site  
8 visits in the last 18 months by a variety of  
9 professionals, crews of a number of different  
10 disciplines, some of them were at the -- at the head at  
11 the end of that alleged land strip. We've a done number  
12 of siting evaluations. No, we've never -- we've never  
13 seen it. We never got anything that hinted that there  
14 was an airstrip there.

15 Q. Did the intervenor mention any concern about  
16 Alternative B impairing the ability to dust his crops at  
17 night during any of these meetings?

18 A. (MR. DA CUNHA) No, not at night, no.

19 Q. What concerns did the intervenor raise?

20 A. (MR. DA CUNHA) He did raise -- and I may ask  
21 Mr. Knox to help me here with memory. He did raise a  
22 concern about dust crop -- crop dusting, and view, view  
23 shed, and property values. And later on, EMF to  
24 seedlings. Then there was EMF to human beings. And, you  
25 know, as of Wednesday night, that's when we've learned of

1 the airstrip and the beehives.

2 Q. Thank you. You noted early in the public  
3 comment sessions Mr. Martori did mention that certain  
4 routes would hamper his ability to dust his crops. Did  
5 you explore that possibility as you were devising your  
6 routes?

7 A. (MR. DA CUNHA) Is there another way to ask that  
8 question so --

9 Q. Oh, sure. So Mr. Martori mentioned that crop  
10 dusting could be a problem with the routes that we had  
11 proposed. Is that something that you considered as you  
12 were putting the route analysis together?

13 A. (MR. DA CUNHA) Yes, when he mentioned that to  
14 us in January, I believe, yes, we started studying that,  
15 uh-huh.

16 Q. And what did you conclude as a result of your  
17 studies?

18 A. (MR. DA CUNHA) Well, we -- we went to talk to  
19 crop duster. And we found a crop duster with I believe  
20 over 30 years of experience in crop dusting, including  
21 dusting those very fields.

22 And that crop duster said that avoiding  
23 transmission lines and other obstacles is par for the  
24 course, that for as long as it is during the day, there  
25 is no problem at all. At night, you know, there are ways

1 to minimize that.

2 But it seemed that it was -- it is not a, that  
3 the addition of this transmission line would entirely  
4 stop crop dusting on that farm.

5 Q. Do you have any understanding about ways that  
6 the intervenor may be able to dust his crops even if  
7 Alternative B is constructed?

8 MR. CARROLL: Foundation.

9 CHMN. KATZ: Pardon?

10 MR. CARROLL: Objection. Foundation.

11 CHMN. KATZ: I heard. Maybe lay a little bit of  
12 additional foundation.

13 MS. GRABEL: Certainly. So I know Mr. da Cunha  
14 does not have expertise in crop dusting. We do have a  
15 witness to address that. I just want to put on the  
16 record, and I want Mr. da Cunha to do it, that our expert  
17 in crop dusting will give some solutions to this  
18 potential problem and we want to say that to the -- and I  
19 will ask this question now. We're going to talk about  
20 solutions later with somebody who has expertise in crop  
21 dusting.

22 CHMN. KATZ: He can indicate whether he's  
23 discussed that with the crop dusting expert but ought to  
24 not be rendering opinions that will be later presented to  
25 us by that expert.



1 BY MS. GRABEL:

2 Q. In discussions, Mr. da Cunha, with  
3 Mr. Fieldgrove, our crop dust expert, do you have any  
4 understanding about ways Mr. Martori may be able to dust  
5 his crops even if Alternative B is constructed?

6 A. (MR. DA CUNHA) Yes.

7 Q. Can you give some examples?

8 A. (MR. DA CUNHA) Well, two that were explained to  
9 us is a terrestrial crop dusting, which Mr. Martori --  
10 oh, sorry, you know, the Courthouse Ag, I don't know if  
11 Mr. Martori himself does it, but that the intervenor  
12 presently does terrestrial crop dusting. And also using  
13 helicopters instead of a fixed wing, you know, airplane.

14 Q. And to the extent that any of these alternatives  
15 is more expensive than the intervenor's current mode of  
16 crop dusting, is the applicant willing to pay the cost  
17 differential if Alternative B is, in fact, contracted?

18 A. (MR. DA CUNHA) Yes, a differential, we are.

19 Q. Thank you. So let's take a look at  
20 Exhibit MEC-2-B. So this is the second amendment that  
21 updates the requested maximum height of the supporting  
22 structures from approximately 190 feet to approximately  
23 220 feet; correct?

24 A. (MR. DA CUNHA) Yes.

25 Q. Will you please briefly explain the need for

1 this increase?

2 A. (MR. DA CUNHA) We further analyzed some of the  
3 crossings, especially towards the end of the line where  
4 Alternative A would cross, well, twice the existing  
5 Harquahala-Hassyampa line, and wants to be built the  
6 HV Sunrise line.

7 And it could be that one of those crossings may  
8 require specialized monopoles that would be taller than  
9 190 feet. So we raised that from 190 to approximately  
10 220 feet.

11 Q. So this additional pole height is only necessary  
12 at the crossing into Delaney Substation; is that correct?

13 A. (MR. DA CUNHA) We think so. There are canal  
14 structures and the flood retardant structures crossings.  
15 We don't believe those will require 220 foot monopoles.  
16 But definitely the ones crossing the existing 500kV  
17 gen-tie and to be built on may, Ms. Grabel, Mr. Chairman,  
18 require taller poles.

19 Q. Can you think of a circumstance that would  
20 require a pole of a 220-foot height or even 190-foot  
21 height around the intervenor's property?

22 A. (MR. DA CUNHA) No, I cannot.

23 Q. So any thought that the intervenor's property  
24 will be surround by 220-foot poles is an exaggeration; is  
25 that accurate?

1 A. (MR. DA CUNHA) It's not part of the plan.  
2 We -- we prefer to build as short as poles as possible.  
3 They're cheaper. They're easier to maintain, require  
4 fewer permits. You know, we try to make it easy on  
5 ourselves.

6 Q. Were Exhibit MEC-2 subparts A and B prepared by  
7 you or under your direction and control?

8 A. (MR. DA CUNHA) Yes.

9 Q. Are the statements contained in MEC-2 true and  
10 correct to the best of your knowledge?

11 A. (MR. DA CUNHA) Yes.

12 Q. Okay. If you'd please turn to Exhibit MEC-3,  
13 which is a map of the project site.

14 A. (MR. DA CUNHA) Yes.

15 MS. GRABEL: And this is the same map, Committee  
16 members, that are on the laminated placemats before you.

17 MS. GRABEL:

18 Q. Are you familiar, Mr. Da Cunha, with the  
19 proposed site in this case?

20 A. (MR. DA CUNHA) Yes.

21 MEMBER GRINNELL: Ms. Grabel.

22 MS. GRABEL: Yes.

23 MEMBER GRINNELL: Can I request that, Mr. Chair,  
24 that we get these maps that you're discussing so we can  
25 see them on a screen? We don't have placemats here.

1 MS. GRABEL: Absolutely. Sorry. It's  
2 Exhibit --

3 MEMBER GRINNELL: I'm trying to navigate all  
4 this information here on my books, and it's like I'm not  
5 sure what page we're on.

6 MS. GRABEL: So the map that we're looking at  
7 right now is Exhibit MEC-3, but we will get it displayed  
8 on the virtual camera. There we go.

9 MEMBER GRINNELL: Thank you.

10 MS. GRABEL: Sure thing. Sorry about that.

11 BY MS. GRABEL:

12 Q. So, Mr. da Cunha, does this map accurately  
13 depict the proposed site and other items that are  
14 contained in its legend?

15 A. (MR. DA CUNHA) As a depiction, yes, it does.

16 Q. This map is the version that reflects the  
17 amendments to the CEC application found in  
18 Exhibit MEC-2-A; is that correct?

19 A. (MR. DA CUNHA) Yes.

20 Q. Thank you. Now, if you'd please turn to  
21 Exhibit MEC-4, which is the testimony summary of  
22 Marcus da Cunha.

23 A. (MR. DA CUNHA) Yes.

24 Q. Have you seen this document before?

25 A. (MR. DA CUNHA) Yes, ma'am.

1 Q. Was it prepared by you or under your direction  
2 and control?

3 A. (MR. DA CUNHA) Yes.

4 Q. Does this document accurately summarize the  
5 testimony that you'll present before the Committee today?

6 A. (MR. DA CUNHA) Yes.

7 Q. And will you please turn to Exhibit MEC-5, which  
8 is the presentation that the project team will use  
9 throughout the hearing.

10 A. (MR. DA CUNHA) Yes.

11 Q. Have you seen this document before?

12 A. (MR. DA CUNHA) Yes.

13 Q. Was it prepared by you or under your direction  
14 and control?

15 A. (MR. DA CUNHA) Yes.

16 Q. Is the information contained in this  
17 presentation true and correct to the best of your  
18 knowledge?

19 A. (MR. DA CUNHA) Yes.

20 Q. Do you have any corrections you would like to  
21 make to this presentation?

22 A. (MR. DA CUNHA) Not at this time.

23 MS. GRABEL: Okay. Before we begin the  
24 presentation, because Mr. Knox will be answering  
25 questions, I'll like to quickly introduce him.

1           So, Mr. Knox, will you please state your name  
2 and business address for the record?

3           CHMN. KATZ: And just to the intervenor knows,  
4 it's not unusual for us to do a panel deal and then for  
5 you to take whichever one or both of witnesses you want  
6 in whatever order. If there's a problem with that,  
7 you'll let me know.

8           MR. CARROLL: Not at all. Thank you.

9           MR. KNOX: My name is Richard Knox. I work for  
10 Wood Group, 4600 East Washington, Suite 600, Phoenix,  
11 Arizona.

12 BY MS. GRABEL:

13 Q. In what capacity do you work at the Wood Group,  
14 Mr. Knox?

15 A. (MR. KNOX) I'm a project manager.

16 Q. What is your role in this matter?

17 A. (MR. KNOX) I'm the project manager for the  
18 project related to environmental permitting and siting  
19 study.

20 Q. Thank you. And if you please turn to  
21 Exhibit MEC-10, which is the witness testimony or  
22 testimony summary, rather, of Richard Knox. Have you  
23 seen this document before?

24 A. (MR. KNOX) Yes.

25 CHMN. KATZ: What number was that?

1 MS. GRABEL: It was 10.

2 CHMN. KATZ: 10.

3 MS. GRABEL: MEC-10, yes.

4 CHMN. KATZ: Thank you.

5 BY MS. GRABEL:

6 Q. Was it prepared by you or under your direction  
7 and control?

8 A. (MR. KNOX) Yes.

9 Q. And does this document accurately summarize the  
10 testimony you will present to the Committee today?

11 A. (MR. KNOX) Yes.

12 Q. Thank you.

13 MS. GRABEL: With that, Mr. Chairman, I'd like  
14 to move the admission MEC-1 through 5, 10 and 18.

15 MR. CARROLL: No objection.

16 CHMN. KATZ: We'll admit, then, Exhibits 1, 2,  
17 3, 4 --

18 MS. GRABEL: 5.

19 CHMN. KATZ: 5, 10 and 18.

20 MS. GRABEL: Correct.

21 CHMN. KATZ: All right. Admitted. And, again,  
22 you can move or offer exhibits as we go, or you can wait  
23 till the end of all the evidence. But --

24 MR. CARROLL: Chairman, may I presume that by  
25 not objecting we're not stipulating that the content is

1 all accurate?

2 CHMN. KATZ: Absolutely not.

3 MR. CARROLL: Okay. Very good. Thank you.

4 BY MS. GRABEL:

5 Q. All right. Mr. Da Cunha, please go ahead and  
6 begin the presentation.

7 A. (MR. DA CUNHA) May we please put the  
8 presentation on both screens?

9 Thank you. So introducing the team here, the  
10 panel first to my right, you already heard from Mr. Knox  
11 with Wood Group. That is the project manager for the --  
12 all environmental permitting work.

13 And myself, Marcus da Cunha as it's there. I'm  
14 here representing Savion Energy, the parent company of  
15 the applicant, the Maricopa Energy Center, LLC. I'm a  
16 developing consultant for Savion for Shell. I studied  
17 economics at the Université de Genève, like we say it.  
18 28 years experience in the energy industry. I am the  
19 lead project developer. I work with siting, permitting,  
20 offtake financing, and other items with the project.  
21 Participating in two CEC cases, the RE Papago CEC Case  
22 189, and the Cielo Azul CEC Case 191.

23 Before I move on to the next step here, by means  
24 of introduction, by now you've noticed a few features  
25 about myself, notably, you know, the twitches and



1 whatnot. Yes, you are correct, I have Tourette's  
2 syndrome, and sadly, you know, that is not all. I made a  
3 list here. I'm also in the autism spectrum. A little  
4 bit of OCD. A little bit of ADD, ADHD. Why not; right?  
5 But wait, that's not all. I'm also color blind. So all  
6 your greens, yellows, oranges, please, you know, let's  
7 talk other colors. And last but not at least, I am an  
8 Euro trash and I speak like one. So I highly recommend  
9 that you turn on your closed caption and follow the  
10 subtitles here below. It comes with the territory, like  
11 we say.

12 CHMN. KATZ: So far we're hearing you just fine.  
13 And if you should inadvertently swear because of your  
14 Tourette's, we don't give a damn.

15 MR. DA CUNHA: My kind of guy.

16 CHMN. KATZ: I say that in jest, but I think so  
17 far we are able to hear you. And if our court reporter  
18 can't hear or you or anybody in participating in the  
19 proceeding can't hear, you we'll let you know, or if you  
20 need to repeat something.

21 MR. DA CUNHA: Brilliant.

22 And last year, I'd be remiss if I left out, not  
23 colleagues or associates, if truth be told, my friends.  
24 I'd like the friends there are in back as I say your  
25 names, to please stand up.

1           There's Patty Varra. Patty, please stand up for  
2 everybody to see who you are. Jen Skulstad, please stand  
3 up. There's Mark Etherton. And Chris Powers. Those are  
4 my colleagues, associates, friends that have been  
5 supporting many aspects of this project. I thought it  
6 was important to acknowledge them.

7           CHMN. KATZ: And that's fine. We don't need to  
8 spell their names now, but either counsel or Mr. da Cunha  
9 need to make sure the court reporter got all of those  
10 names correct.

11           MR. DA CUNHA: Yes.

12           CHMN. KATZ: Go ahead.

13           MR. DA CUNHA: All right. Let's get with the  
14 business here. Right.

15           Firstly, quick word here about the applicant,  
16 from the bottom. The applicant technically is the  
17 Maricopa Energy Center, LLC, which is a wholly owned  
18 subsidiary of Savion. Savion Energy is a developer,  
19 builder, owner, and operator of wind, solar, and storage  
20 projects across the U.S. Shell was -- acquired Savion  
21 early this year, so Shell owns Savion that owns Maricopa  
22 Energy Center. I'm a development consultant. I  
23 consulted for Shell and all the subsidiaries.

24           A little bit of bragging. This is actually  
25 dated numbers. We presently at Savion have over

1 13,000 megawatts, 80 projects over 26 states here in U.S.  
2 alone. Obviously, if you count all the Shell projects  
3 worldwide, then it's a big, big number. But, you know, a  
4 little bit of bragging, like we say.

5 Purpose and need of this project, by project I  
6 mean the transmission line project, is to interconnect  
7 the solar array and batteries to the Delaney Substation  
8 and bolster Arizona utilities' clean energy objectives.

9 The project may also be used by other solar  
10 projects in the area. There are many projects being  
11 proposed in Harquahala Valley, thus reducing future needs  
12 for additional transmission into Delaney.

13 The project would also make up for retired  
14 electric generation from coal as well as potential future  
15 needs from then-unavailable hydroelectric power.

16 BY MS. GRABEL:

17 Q. Mr. da Cunha, if you could explain for a moment  
18 why we believe hydroelectric power may be unavailable in  
19 the future?

20 A. (MR. DA CUNHA) Yes, indeed. I believe that out  
21 here in Arizona we've been reading about levels of the  
22 Colorado River, Lake Powell, Lake Mead, you know, and not  
23 only that is water for everyday consumption for  
24 agriculture, but that water moves a significant amount of  
25 power, power that comes here to Arizona and the

1 southwest. As we continue our drought, there'll be less  
2 of that water, less of that power. In this project, as  
3 small as it is, it would make up for a little bit of that  
4 unavailable power in the future.

5 Q. Thank you.

6 A. (MR. DA CUNHA) You're welcome.

7 And lastly is the project balances Arizona's  
8 need for adequate economic and reliable supply of energy  
9 while minimizing impact on environment and ecology of the  
10 state.

11 A little bit about the project. So the  
12 transmission line is construction and operation of a new  
13 single and/or double circuit 500kV line, rated at up to  
14 2,000 megawatts between the Maricopa Energy Center  
15 project, the solar project, and the Delaney Substation.

16 Tentative construction schedule from mid 2024 to  
17 approximately end of 2025.

18 Steel monopoles mostly -- I'll come back to that  
19 in a moment -- approximately from 160 foot tall to  
20 approximately 220 feet tall. And approximately 600 to  
21 1,000 feet apart.

22 The mostly, if I may, we intend to install  
23 monopoles. It's easier for us, but there are some turns,  
24 some crossings that may not be monopole like arresters,  
25 dead ends, A-frames, and so on. So once the project is

1 finally built, and we'll go back to the site, we may see  
2 other than just, you know, monopoles. That's what I mean  
3 by mostly. But the intention is that most of the  
4 structures will be monopoles. It's much easier for all.

5 The project has active APS Queue #360. The  
6 system impact study is complete and delivered to Staff.  
7 The facilities study is ongoing and expected to be  
8 complete this quarter.

9 We are here requesting CEC for two alternative  
10 corridors and switchyards. Alternative A, approximately  
11 5.7 miles from S17 switchyard via the Saddleback flood  
12 retardant structure into the Delaney Substation.  
13 Alternative B, approximately 8.5 miles from the S13  
14 siting area via the Harquahala Power Plant into the  
15 Delaney Substation.

16 The next two maps are the maps that are  
17 laminated in front of us. This first map is a very  
18 complete map that has a number of features, a number of  
19 different colors, I understand, that don't mean nothing  
20 to me. It shows a variety of items.

21 I'm going to go to the next one. This next one  
22 here on the flip side of the laminated map in front of us  
23 is my own personal cheat sheet. Fewer colors, fewer  
24 features, much easier for me to navigate and explain  
25 things around.

1           And with that, what I'd like to bring your  
2 attention to -- oh, there it is. Perfect.

3           Here at the bottom, we talk about the requested  
4 CEC corridors, and just like to elaborate a little on  
5 this.

6           First, I'm going to do the route A, A1 here at  
7 top. So it begins here at the S17 switchyard and this  
8 first leg along Camelback Salome Road, requesting  
9 500 feet wide.

10           Some of you pronounce it a little bit different.  
11 I'm not going to hold that against you. But, you know,  
12 in the old country when we read the bible, we say Salome.  
13 But you can pronounce the way you like, it's totally  
14 fine, you know.

15           Along the Flood Control District, Saddleback  
16 flood retardant structure. If you hear us say FRS, it's  
17 short for flood retardant structure. We're asking for  
18 1,000-foot wide corridor.

19           And the last leg from the flood retardant  
20 structure into Delaney Substation, we're asking for  
21 2,000-foot wide, and that is because there's a  
22 subvariant, you know, that goes south of the Thomas Road  
23 alignment. There's no road here. Just the alignment of  
24 the Thomas Road. And we're here asking for 2,000 feet  
25 because of the different corridors, two that could be

1 north of the Thomas Road alignment, one to the south.

2 We don't know yet where HV Sunrise will build  
3 their line. They've shared some designs with us, but  
4 it's preliminary. So we're giving ourselves a little  
5 room to err. Hence why this wide 2,000 feet corridor.  
6 Back to --

7 MEMBER GRINNELL: Mr. Chairman.

8 CHMN. KATZ: Yes.

9 MEMBER GRINNELL: When you were talking about  
10 these FSRs, is that a wash in those flood plains? What  
11 kind of area is that? Is it -- I guess what I'm getting  
12 to, is this an erodous, and, if so, would we be looking  
13 at a NEPA?

14 MR. DA CUNHA: Is that for me to answer?

15 MEMBER GRINNELL: Yes, please. I'm sorry.

16 CHMN. KATZ: If you know the answer to it, sure.

17 MR. DA CUNHA: I'll try my best, you know.

18 So the flood retardant structure is essentially  
19 a dam, and it's owned and operated by Maricopa County on  
20 Maricopa County Flood Control District fee land. So it  
21 does not trigger a federal nexus, so no, there would not  
22 be a NEPA here. It is strictly a county work stream.

23 MEMBER GRINNELL: All right. Thank you.

24 MEMBER PALMER: That's good.

25 MR. DA CUNHA: Indeed. Right.

1           So back to the Alternative B that begins at the  
2 top left, you know, of the map in the siting area, S13,  
3 so once we find -- once we located the switchyard, it  
4 would cross. This is Camelback Road. It would cross  
5 south and go east for approximately one mile, down south.

6           This is 499th Avenue, and then turn east on the  
7 Thomas Road on the south side. This is the Harquahala  
8 Power Plant and the switchyard. And continue on Thomas  
9 Road and then Thomas Road alignment all the way to the  
10 flood retardant structure. This whole first leg we're  
11 asking for 500-foot wide CEC corridor.

12           And then we get here, we're already asking for  
13 2,000 feet. Same reason, you know, we don't know exactly  
14 the width here, but it's part of the -- it's part of this  
15 corridor study. We're asking for 2,000 feet from the  
16 flood retardant structure all the way into the Delaney  
17 Substation.

18           So that's what I wanted to bring to your  
19 attention, these widths that are on the bottom here of  
20 the map.

21           MEMBER PALMER: Mr. Chairman.

22           CHMN. KATZ: Yes, Mr. Palmer.

23           MEMBER PALMER: Earlier, and I don't know if it  
24 was introduced yet in testimony, but in opening  
25 statements it was indicated that by moving from 17 --



1 from 13 to 17, you were leaving power -- there was power  
2 loss that was being left on the table. Can you explain  
3 what causes that? Is it a loss of area for the solar  
4 panels, or what's creating that power loss?

5 MR. DA CUNHA: Yes, certainly. So from the  
6 old -- well, S13 is still there; right? So what we are  
7 no longer doing is having the option that the high  
8 voltage, above-ground transmission line would start here  
9 and go on down to Section 17 and continue to Delaney.

10 So the aboveground 500kV line has less  
11 resistance than an underground, lower voltage. So less  
12 resistance, less losses, more net production.

13 So by -- for feeding that, we are now incurring  
14 more losses, less net production.

15 MEMBER PALMER: Thank you.

16 MR. DA CUNHA: In a nutshell; right?

17 MEMBER LITTLE: Mr. Chairman.

18 CHMN. KATZ: Yes, Member Little.

19 MEMBER LITTLE: Mr. da Cunha, I -- so -- excuse  
20 me -- you're saying that between S17 and S13 is going to  
21 be undergrounded?

22 MR. DA CUNHA: Yes.

23 MEMBER LITTLE: But it is still part of  
24 Alternative A; correct?

25 MR. DA CUNHA: No, it is underground but is the

1 solar array mid voltage collector system.

2 MEMBER LITTLE: Oh, okay. So it's not at 500kV?  
3 It's a lower voltage?

4 MR. DA CUNHA: Correct, yes.

5 MEMBER LITTLE: I see. Okay. All right. Thank  
6 you. I do have one other question while I have the  
7 floor.

8 MR. DA CUNHA: Yes.

9 MEMBER LITTLE: Would you explain what the  
10 difference is between a facility study and a system  
11 impact study?

12 MR. DA CUNHA: Yes.

13 MEMBER LITTLE: One has been completed; the  
14 other one has not.

15 MR. DA CUNHA: Right. So entities like ours  
16 that desire to interconnect to the grid, generally in the  
17 United States, apply for interconnection. Most  
18 utilities, transmission operators, system operators, they  
19 follow, you know, federal guidelines to help standardize  
20 the application throughout the country. And once you  
21 submit your application, there are payments, commitments,  
22 things that you have to deliver. And then that -- the  
23 owner of that power line starts the studies.

24 One of the early studies is the system impact  
25 study, and that one was completed and delivered by APS.

1 It is -- it is a high-level look into what this new  
2 project would cause in the system, what this new project  
3 may be required to upgrade the system and so on. So it's  
4 a high-level view, and that one was completed a few  
5 months ago.

6 And then there's the second step that is, you  
7 know, a closer look, and that is the facilities study  
8 that look in depth of exactly what gear, what elements,  
9 what infrastructure will be required specifically, you  
10 know, to that project. You know, so it's regarding the  
11 risk -- it's getting the minute work. And that one is  
12 ongoing. We hope to receive results this fourth quarter.

13 CHMN. KATZ: Who was that filed with?

14 MR. DA CUNHA: APS.

15 MEMBER LITTLE: So the system impact studies,  
16 what you're calling the system impact studies, are just  
17 localized? It's not area or region wide?

18 MR. DA CUNHA: Oh, it is, yeah, area, region,  
19 yes. Uh-huh.

20 MEMBER LITTLE: Okay. And what kind of studies  
21 actually were done, do you know? Stability --

22 MR. DA CUNHA: APS performed a number of these  
23 studies. Stability is one. Part of the feasibility, the  
24 system impact study, stability is one. Current fault is  
25 another one. It's a number of studies.

1 MEMBER LITTLE: Thank you.

2 MR. DA CUNHA: You're welcome.

3 MEMBER HAMWAY: I just have a question,  
4 actually, for Member Little.

5 CHMN. KATZ: Yes, Member Hamway.

6 MEMBER HAMWAY: So facilities study is not an  
7 understood term?

8 MEMBER LITTLE: It's not one that I had seen  
9 before, no. I'm assuming that that is looking at what if  
10 there are any upgrades that need to be made to the  
11 Delaney Substation, if they need to put in new  
12 transformer, if they need to put in some --

13 MR. DA CUNHA: Correct.

14 MEMBER LITTLE: -- rectifiers or some capacitors  
15 or anything like that.

16 MR. DA CUNHA: Correct.

17 MEMBER LITTLE: Real specific kinds of things as  
18 opposed to looking at the impact on the area and the  
19 region. Am I correct?

20 MR. DA CUNHA: Right. Hence the name  
21 "facilities." They're looking at exactly those -- those  
22 facilities that you mentioned.

23 MEMBER LITTLE: But, no, it's not one I had  
24 heard.

25 MEMBER HAMWAY: Thank you.

1 MEMBER LITTLE: Thank you.

2 BY MS. GRABEL:

3 Q. Go ahead and continue, Mr. da Cunha.

4 A. (MR. DA CUNHA) Great. So look a little bit  
5 closer into the alternatives.

6 Alternative A, approximately 5.7 miles from S17  
7 switchyard down the flood retardant structure into  
8 Delaney. This one mostly north of Thomas Road alignment  
9 but, you know, Alternative A loops around the private  
10 property and enters Delaney from the south.

11 Requested corridor here varies from 500 feet  
12 wide at the Camelback-Salome stretch to 2,000 feet wide  
13 along the Thomas Road alignment. Single circuit from end  
14 to end up to 2,000 megawatts approximately estimated at  
15 \$32 million.

16 It would cross the existing Harquahala-Hassyampa  
17 500kV gen-tie twice and the to-be-built HV Sunrise 500kV  
18 line.

19 It requires the, you know, the participation of  
20 private entities, Maricopa County DOT, Harquahala Valley  
21 Irrigation District, the Flood Control District of  
22 Maricopa County. That's the flood retardant structure,  
23 the Harquahala Power Plant, HV Sunrise, and finally the  
24 Arizona State Land Department.

25 We added this here for the Committee to

1 appreciate that for a lousy 5.7-mile gen-tie that, you  
2 know, this is complicated work, it really is. And hence  
3 why, you know, we're not finished with it yet, and hence  
4 why we need to have both options until we complete one.

5 The next one is the, you know, an alternative  
6 inside the Alternative A. This is A1. This is the  
7 shortest one. 5.4 miles from S17 switchyard down the FRS  
8 into Delaney. This one entirely north of Thomas Road  
9 alignment. Enters Delaney from the west.

10 The requested corridors here as before, 500 feet  
11 wide at the Camelback-Salome stretch to 2,000 feet wide  
12 along the Thomas Road alignment. Also single circuit  
13 from end to end up to 2,000 megawatts. This one's a  
14 little bit shorter, also a little bit less expensive. We  
15 estimate at approximately \$30 million.

16 It does not cross the existing Harquahala-  
17 Hassyampa line or the to-be-built HV Sunrise 500kV lines.

18 This one requires, you know, the participation  
19 of private entities, MCDOT, the Irrigation District and  
20 the Flood Control District.

21 Finally, here as details, this is the  
22 Alternative B. This is the longest one. Approximately  
23 8.5 miles from the S13 switchyard siting area. The  
24 requested corridor varies from 500 feet wide all the way  
25 to the flood retardant structure, so west of it, and then

1 a 2,000 feet wide east of the flood -- flood retardant  
2 structure into Delaney.

3 It would begin single circuit from S13  
4 switchyard siting area approximately four miles to the  
5 Harquahala Power Plant switchyard. And then, you know,  
6 it could be either continuous single circuit or rebuild  
7 the double circuit from the Harquahala Power Plant  
8 switchyard into Delaney Substation. And that leg is 4.5  
9 miles leg, so 4.5, 8.5.

10 Here too, up to 2,000 megawatts of capacity.  
11 And this one longer, so it's the most expensive of ours,  
12 estimate approximately \$35 million.

13 Worth noting, the Harquahala Power Plant would  
14 continue to be interconnected into the Hassyampa complex.  
15 And here it requires the participation of private  
16 entities, the Harquahala Power Plant which is a private  
17 entity, and then county, that's the Flood Control  
18 District, state, with the land department; and United  
19 States Bureau of Land Management, the BLM.

20 Q. Mr. da Cunha, if I could interrupt you for a  
21 moment. At the prehearing conference, Chairman Katz  
22 asked us to put evidence in the record regarding the need  
23 for any NEPA analysis because this alternative would  
24 cross federal land. Would we require a NEPA analysis  
25 associated with this route?

1 A. (MR. DA CUNHA) Mr. Knox, you may supplement  
2 here. We've discussed with the Lower Sonoran Field  
3 Office of the BLM about the existing NEPA work that was  
4 done for this gen-tie 20 years ago. And in discussing  
5 with them, the managers of the Lower Sonoran Field Office  
6 told us that this would be -- this would fall under the  
7 categorical exemption of NEPA, so there would be no new  
8 NEPA work.

9 Q. Thank you. So no corresponding environmental  
10 impact statement or environmental analysis; correct?

11 A. (MR. DA CUNHA) Mr. Knox, I think the answer is  
12 correct.

13 A. (MR. KNOX) That's correct.

14 MEMBER HAENICHEN: Chairman?

15 CHMN. KATZ: Yes, Mr. Haenichen.

16 MEMBER HAENICHEN: I'm trying to decide in this  
17 context of what we the Committee members are going to be  
18 asked to vote on. There's so many different entities  
19 involved, we can't vote for anybody else. So what is  
20 going to be proposed to us at the end of this hearing to  
21 vote on?

22 MR. DA CUNHA: To vote to approve the CEC for  
23 alternatives A, A1, and B.

24 MEMBER HAENICHEN: What is the role of some of  
25 these other entities? We're not committing them to



1 something, are we? Do you have to --

2 MR. DA CUNHA: No.

3 MS. GRABEL: Mr. Chairman?

4 CHMN. KATZ: Yes.

5 MS. GRABEL: Member Haenichen, if I may answer  
6 Member Haenichen's question.

7 CHMN. KATZ: Yes, you may, and then we'll take  
8 our first recess of the day. Go ahead.

9 MS. GRABEL: Certainly. So Member Haenichen,  
10 the entities on the fifth bullet are really just the  
11 landowners from whom we need to obtain permitting or  
12 right of way access. And so it's like any other CEC  
13 proceeding, you know, we're traversing various types of  
14 land under various jurisdictions, and that's just  
15 informing the Committee of who owns the land, from whom  
16 we need to obtain site control.

17 And so we are asking the Committee in the end to  
18 approve two alternative routes that have various land  
19 ownerships. In the event that we cannot obtain all of  
20 the site control we need from Alternative A, we will  
21 pursue Alternative B.

22 But you would not be binding any of these  
23 entities to give us anything.

24 MEMBER HAENICHEN: Well, we can't.

25 MS. GRABEL: Exactly.

1 MEMBER GRINNELL: Mr. Chairman?

2 CHMN. KATZ: Yes, Member Grinnell.

3 MEMBER GRINNELL: Ms. Grabel, to that point,  
4 what we're basically being asked to approve  
5 Alternative A, 1, B, whatever, these are -- theoretically  
6 these are hypotheticals right now? There's nothing  
7 secured by this project as far as which route is  
8 available without down-the-road negotiations. Am I  
9 correct there?

10 MS. GRABEL: Thank you, Mr. Chairman, Member  
11 Grinnell. They're not hypotheticals. We have, I mean  
12 not -- I mean, I will actually ask Mr. da Cunha so this  
13 comes into evidence.

14 BY MS. GRABEL:

15 Q. But, Mr. da Cunha, will you please describe the  
16 nature of each route and the amount of certainty we have  
17 on each to give the Committee some sense that these are  
18 not hypothetical routes and their work here is for  
19 naught?

20 MEMBER HAENICHEN: That's what I'm looking for.

21 CHMN. KATZ: And go ahead in just a moment. But  
22 one of the things that we have to recognize is,  
23 unfortunately, the way the system works is it frequently  
24 is a situation where not all permits or easements and  
25 rights-of-way have been obtained when we end up issuing

1 the CEC.

2 You may go ahead with your answer, and then  
3 we'll take a break.

4 MR. DA CUNHA: Yes. Indeed, you spared me a few  
5 remarks. I was going to say that.

6 All these entities that we presented here,  
7 right, that last bullet, where's the thingie, you know,  
8 all these entities and the previous ones, you know, all  
9 these entities, we've engaged all of them. Whether it is  
10 for a permit application, whether it is for crossing  
11 negotiation, whether it is for helping each other. So,  
12 yes, we have all engaged with them.

13 We are in some instances, like the Harquahala  
14 Valley Irrigation Direct, we have a crossing license  
15 signed, paid for, actually.

16 Maricopa County DOT, we have applied for the  
17 license and unanimously approved by Maricopa County  
18 Boards of Supervisor.

19 The -- where is the -- the Flood Control  
20 District of Maricopa County, we have applied for the  
21 license, already negotiated the license language. Now  
22 we're applying for the authorization to construct.

23 The private entities, we have exchanged a number  
24 of red lines to, you know, for negotiation of private  
25 land.

1           So, yeah, we're in advance with all these  
2 entities. But it's not -- we don't have the final  
3 approval from all of them for one route from end to end.  
4 You know, we're marching towards it.

5           Ms. Grabel, was that the answer you're looking  
6 for?

7           MS. GRABEL: Let me ask Member Haenichen, is  
8 that the answer you're looking for?

9           MEMBER HAENICHEN: Yeah. It is, but there's a  
10 lot of uncertainty associated with it.

11          CHMN. KATZ: I'm assuming, though, that you  
12 already -- I'm assuming that you already have permission,  
13 or at least tacit agreement, with respect to both of the  
14 county entities and the land department?

15          MR. DA CUNHA: Correct.

16          CHMN. KATZ: And that the primary issue is with  
17 the private landowners?

18          MR. DA CUNHA: Yes.

19          CHMN. KATZ: If you don't mind, I think we've  
20 been going about an hour and a half, maybe a little bit  
21 longer than that. It's now almost 20 minutes to 3:00.  
22 We'll wait until about five to three or three o'clock,  
23 and then are we going to be taking Mr. Martori out of  
24 order?

25          MS. GRABEL: I believe so.

1           What is the next slide? If I can see if this is  
2 a -- I think this is a perfect place to transition,  
3 actually. Yeah. Sure. We take Mr. Martori when we come  
4 back from break.

5           CHMN. KATZ: Figure 15 minutes is about five to  
6 three. We can at least be reassembled and ready to go no  
7 later than three.

8           (Recess from 2:38 p.m. to 3:01 p.m.)

9           CHMN. KATZ: If you're ready, you can go ahead.  
10 And I didn't realize Mr. Martori was already seated.

11           Mr. Martori, would you prefer an oath or an  
12 affirmation?

13           MR. MARTORI: Affirmation is fine.

14           (Stephen Aloysius Martori, II, was duly sworn or  
15 affirmed by the Chairman.)

16           CHMN. KATZ: Thank you very much. And, Counsel,  
17 you may go ahead with your examination.

18

19           //

20           //

21           //

22           //

23           //

24           //

25           //

1                   STEPHEN ALOYSIUS MARTORI, II,  
2 called as a witness on behalf of Courthouse Ag  
3 Holdings, LLC, having been previously affirmed or sworn  
4 by the Chairman to speak the truth and nothing but the  
5 truth, was examined and testified as follows:

6

7

DIRECT EXAMINATION

8 BY MR. CARROLL:

9       Q.       Good afternoon Mr. Martori. Would you please  
10 state your full name for the record?

11       A.       Stephen Aloysius Martori, II.

12       Q.       Mr. Martori, I'd like to refer you to the  
13 exhibit book that is in front of you. I believe it's  
14 to your left. It says Courthouse Ag Holdings Exhibits.  
15 I'd like you to turn to what has been marked as  
16 Exhibit CAH-3, please. And let me know when you're  
17 there, please.

18       A.       Got it.

19       Q.       Mr. Martori, what we marked here as  
20 Exhibit CAH-3 is a copy of your prefiled direct  
21 testimony in this matter. Was that testimony prepared  
22 by you or under your direction?

23       A.       Yes, it was.

24       Q.       Are there any changes you wish to make to your  
25 prefiled testimony at this time?

1 A. No.

2 Q. If I were to ask you any of the questions in  
3 this testimony here today under oath, would your answers  
4 be any different?

5 A. No.

6 MR. CARROLL: Mr. Chairman, I move to admit  
7 Mr. Martori's testimony marked as CAH-3 into evidence.

8 CHMN. KATZ: Any objection?

9 MS. GRABEL: No objection.

10 CHMN. KATZ: CAH-3 will be admitted, and also  
11 you can offer exhibits either as we go or wait until the  
12 conclusion of all the evidence, but I'll always give you  
13 that last minute opportunity if you fail to offer an  
14 exhibit. You may proceed.

15 BY MR. CARROLL:

16 Q. In the interest of expedience today, I'm going  
17 to ask you to briefly summarize your testimony. Please  
18 describe if you will for us your educational background  
19 and professional experience.

20 A. I went to University of Arizona, degree in  
21 agricultural economics, bachelor of science degree.  
22 Graduated in 1970. Joined the company as soon as I  
23 graduated. I had worked in the summers through high  
24 school and college, so I was a little bit familiar with  
25 the business, but did not grow up on a farm.

1 I was in several of the industry organizations,  
2 trade associations. The main one, Western Growers  
3 Association represents 80 percent of the produce grown in  
4 Arizona and California. Past chairman of that  
5 organization.

6 I was on the United Fresh Fruit and Vegetable  
7 Association, which is the national association that  
8 represents the suppliers for the country. And also was  
9 on Produce Marketing Association's board which represents  
10 mainly the sellers, the retail grocery chains,  
11 wholesalers, terminal markets. But there are several  
12 production members on that board.

13 I've been on the Harquahala irrigation board,  
14 and I'm currently on the electrical district board for  
15 Harquahala and on the irrigation board for Aguila  
16 irrigation district.

17 Q. Okay. Mr. Martori, do you hold any special  
18 licenses?

19 A. Private pilot, airline transport rated.

20 Q. Please describe what that means.

21 A. Well, you go from private to commercial on up.  
22 Airline transport pilot is the rating that airline pilots  
23 have to have. It's a, you know, \$1,500 minimum to apply  
24 for the rating. You have to have certain higher  
25 tolerances on operating the aircraft to get that rating.



1 Q. So is that the highest rating available?

2 A. Yes.

3 Q. And how many hours of flying experience do you  
4 have?

5 A. About 10,000.

6 Q. What type of aircraft are you type rated to  
7 pilot?

8 A. Typed in a Cessna 550, which is a twin engine  
9 jet, Cessna CJM2 which is a twin engine jet. Typed in a,  
10 also typed in helicopters.

11 Q. Okay. And turbine engine aircraft as well?

12 A. Correct. Not -- those aren't type rated, but I  
13 have King Air and TBM, those are both turbo props. I  
14 have -- I don't know, 3,000, 4,000 hours of turbine time.

15 Q. And have you -- well, scratch that. I'll move  
16 on to the next one.

17 What is the approximate equivalent of flying  
18 time, to the best of your knowledge, of an average  
19 professional airline pilot?

20 A. Well, generally they have a minimum of  
21 1,500 hours, and I've met airline pilots that have  
22 20,000 hours. So I'd guess average somewhere around  
23 10,000.

24 Q. Would you please describe your involvement with  
25 the intervenor, Courthouse Ag Holdings, LLC?

1 A. Courthouse Ag Holdings holds ag properties  
2 including the property in question in Harquahala.

3 Q. And what is your interest in Courthouse Ag  
4 Holdings?

5 A. It is owned 50 percent by Arthur Martori, my  
6 brother, and 50 percent by myself.

7 Q. You indicated that Courthouse Ag owns property  
8 in the Harquahala Valley. For the project at issue in  
9 these proceedings, about how many acres of that property  
10 would be impacted?

11 A. Well, we have 2200 acres in Harquahala, and  
12 about 1200 of it, 1230 or -40 or so is the property in  
13 question.

14 Q. Is there a business located on Courthouse Ag --  
15 on Courthouse Ag's property?

16 A. Say that again.

17 Q. Is there a business that performs its operations  
18 on Courthouse Ag's property out in the Harquahala Valley?

19 A. That property is leased on a 25-year lease to  
20 Martori Farms.

21 Q. And do you also have an interest in Martori  
22 Farms?

23 A. I have a 60 percent interest in Martori Farms.

24 Q. What is Martori Farms?

25 A. It's an agricultural grower-shipper primarily of

1 melons, other crops include broccoli. Melons is like  
2 15,000 acres, broccoli is roughly 1500 to 2,000 acres a  
3 year. Wheat and organic barley. It's also the largest  
4 organic melon producer in the country. And rotates with  
5 garbanzo beans. Some people call them chickpeas.

6 Q. And how many employees does Martori Farms employ  
7 in the state of Arizona?

8 A. Roughly 1250.

9 Q. How long has Martori Farms operated in the  
10 Harquahala Valley?

11 A. Since the early '50s, so 70 years.

12 Q. What is the importance of the Harquahala  
13 properties to both Courthouse Ag and Martori Farms?

14 A. Our business is we're a full-season, like you  
15 said earlier, largest melon producer in the country, and  
16 we grow for -- the only grower-shipper that grows for the  
17 full domestic season which starts May 1 and goes until  
18 Thanksgiving.

19 We harvest anywhere from 500,000 to a million  
20 melons a day, and we supply all the major retailers in  
21 the country, Walmart being our biggest, and we do Costco,  
22 Kroger. You had mentioned some of the others.

23 Q. How does the Harquahala property specifically  
24 factor into the Martori Farms operation?

25 A. So preseason, before planting, we negotiate with

1 the large retailers because they want a continuity of  
2 supply, and so you negotiate for the whole season, you  
3 set up volumes for each period.

4 Melon demand peaks around Fourth of July and  
5 then tapers off as you go into the later part of the  
6 summer and into the fall when you're starting to compete  
7 with apples and pears and what -- what they bring to  
8 school for lunch, et cetera. And so you have an  
9 agreement that you're going to supply them so much, and  
10 you have to have that production every day.

11 We start our production in the warmest part of  
12 the country, Yuma area, and that supplies us during May.  
13 We start Harquahala late May and go until around the  
14 Fourth of July. So that's our prime season.

15 During that same season, we're producing in  
16 Maricopa, Arizona, south of Maricopa, similar elevation  
17 and climate as Harquahala.

18 Then we go up to the Aguila Valley, which is  
19 near Wickenburg. It's 2400 feet, cooler during the  
20 summer and able to get us through until the end of  
21 September. Then we do the reverse, go back to warmer  
22 area in Harquahala and then finish up in the warmest area  
23 near Yuma.

24 Q. Specifically as it relates to the property in  
25 Harquahala Valley at issue, are there improvements or

1 other facilities located on the properties?

2 A. Well, it's -- counsel for the applicant  
3 mentioned that there's nothing significant out there to  
4 see, but it's -- to us it's very significant. It's a  
5 very interesting, unique farm.

6 The -- our whole operation is under drip  
7 irrigation. We're able to produce crop and melons for  
8 half the amount of water used compared to our competitors  
9 that use furrow irrigation.

10 And that system in that particular range,  
11 1200 acres, we have about 7 million feet of underground  
12 tubing that goes under every -- every planting bed and  
13 supplies precise water to the plants. And it's operated  
14 out of a main pumping plant that pumps about 5,000  
15 gallons a minute.

16 In the northwestern corner is 150,000 square  
17 feet of greenhouse that provides the hundred million plus  
18 plants that we transplant every year into the field,  
19 which also saves about another 10 percent of water.

20 So it's the most efficient water user in the --  
21 in the state, probably the country.

22 Q. Is there anything of significance that is  
23 running east to west in the middle of the property?

24 A. We have our main runway there that I've  
25 personally been using for 50 years. I'm not sure why

1 they couldn't find it. It has markers down the whole  
2 length of the runway that anybody that lands on these  
3 runways, certainly this gentleman over here has seen  
4 tires buried halfway up the side of the tire, marking the  
5 border of the runway.

6 It's effectively 4,000 feet long, 60 feet wide.  
7 You can see it on Google Maps as far back as they go. So  
8 I'm not sure why they couldn't find it.

9 Q. And as the principal of the intervenor,  
10 Courthouse Ag today, do you object to the proposed  
11 transmission routes sought in the certificate of  
12 environmental compatibility by the applicant, Maricopa  
13 Energy Center, LLC?

14 A. Well, there's a number of different routes. We  
15 opposed some of the ones that we've had. On the one that  
16 we agree upon, we support that route, which is Route A.

17 Q. And just for purposes of the record, what is the  
18 route that Courthouse Ag supports in these proceedings?

19 A. Route A. Route A -- A1.

20 Q. And which is the route that Courthouse Ag  
21 opposes?

22 A. The B routes.

23 Q. What is the nature of your objections to  
24 proposed B alternative route?

25 A. Well, there's several of them. The fact that it

1 would make our runway -- the only way we can effectively  
2 transport out -- out to the farms. We have, like I said,  
3 we have farms around the state, and going near Yuma, it's  
4 actually in California, but it's right across the line.  
5 That route is 450 miles, and an aircraft is the only  
6 effective way of getting around there.

7           It's also used and has been used for crop  
8 dusting and for frost protection. Which I did myself one  
9 night when it was -- we couldn't -- we didn't expect it  
10 to get so cold, and about one o'clock in the morning I  
11 got a call that said, hey, it's going to freeze tonight.

12           I had a helicopter at the time, I'm helicopter  
13 rated, so I flew out there in the middle of the night and  
14 cut my teeth crop dusting. And know very well how  
15 difficult it is to see when you're doing that at night.

16       Q.     Well, and I'll get a little bit more into the  
17 differences between the aerial operations, but I just  
18 want to get a general synopsis of your concerns relative  
19 to proposed Route B.

20           So if I'm hearing you correctly one of them is  
21 relative to the aerial operations. Do you have other  
22 concerns relative to proposed Route B?

23       A.     Well, the -- over the course of this, we found  
24 out how critical the EMF can affect bee pollination. And  
25 anyone that's followed pollination knows it's extremely

1 critical in the state and in the country and the world,  
2 really.

3 And that was very alarming to us when we found  
4 that out. Had no idea that that was a problem until this  
5 case brought it to light.

6 Q. Where are the beehives located on the Harquahala  
7 properties?

8 A. Well, they'll be -- start on the west and work  
9 their way on the different roads to the middle of the  
10 farm.

11 Q. You said they start on the western boundary?

12 A. Correct.

13 Q. Why are they located on the western boundary?

14 A. Well, they're located on the road so they're  
15 easy to service. The beekeepers have to take care of the  
16 hives to maintain them and maintain the health of the  
17 bees, and primarily the queen.

18 And the prevailing wind in that -- in the lower  
19 United States is from west to east, and the bees travel  
20 better, move across the fields better with the prevailing  
21 wind.

22 Q. So is it accurate to state that pollination  
23 would not be as effective if you simply moved beehives  
24 from, say, the western border where proposed Route B is  
25 to the interior of the property?



1 A. Correct. Yeah.

2 Q. Queue 8, please.

3 While they're doing that, Mr. Martori, do you  
4 have concerns relative to the property value if Route B  
5 is proposed?

6 A. Yeah. I was going to continue on that the  
7 obvious concerns to us is from a property value  
8 standpoint is 120-foot, 500,000 volt line is not an  
9 attraction to the property and affects the view corridors  
10 of the property.

11 Harquahala is a beautiful valley, which if you  
12 came out there you'd see that. But it's -- and, you  
13 know, we have -- there's water, I know everyone knows how  
14 critical water is, and becoming more and more critical.  
15 That's one of the areas that has a hundred-year assured  
16 supply of water, which are required to do any  
17 development.

18 And eventually, probably not in my lifetime but  
19 certainly my kids and my grandkids, that property will be  
20 developed for residential purposes. And that'll have a  
21 significant impact -- this power line would have a  
22 significant impact on the value of that property.

23 Q. Mr. Martori, I'd like to point your attention to  
24 these screens here. I'm going to talk a little bit more  
25 about the aerial operations.

1 Mr. Martori, are these the photos of your  
2 landing strip?

3 And if you wouldn't mind going down just -- or  
4 up a little bit as well, too. There's a ground level  
5 photograph. Other way, I'm sorry. There you go. Thank  
6 you? Would you mind going back up to the prior image?  
7 Thank you.

8 Mr. Martori is this a photograph or a depiction  
9 of the landing strip located on your property?

10 A. That's a Google Earth map of the -- view of the  
11 property.

12 Q. Is the red line a depiction of the landing  
13 strip's location?

14 A. Yes.

15 Q. It's running east to west; is that correct?

16 A. Correct.

17 Q. And as you previously indicated, if Route B is  
18 approved on the -- that would be on the western boundary;  
19 is that correct?

20 A. Correct.

21 Q. So this is the western boundary?

22 A. You switched two maps on me but, yeah, that is.

23 Q. Please describe the uses of this landing strip.

24 A. Well, my use has been, is flying small aircraft,  
25 small single and twin engine aircraft out to that to land

1 on that strip. And then like I said, we use it for crop  
2 dusters to refill. We've done that in the past. And to  
3 refill product. And then for when I did the frost  
4 protection, whenever we have frost protection, they use  
5 that for the refueling of the aircraft.

6 Q. Can you describe the difference between frost  
7 protection flights and crop dusting?

8 A. Well, crop dusting is, as far as I know, mainly  
9 done in the day. I've never seen it done at night. And  
10 the frost protection is obviously done when the  
11 temperature is going to drop below 32.

12 And crop dusting is done very close to the crop.  
13 Frost protection is done at a higher level to take  
14 advantage of the warmer air in the inversion and force it  
15 down into the crop.

16 Q. And maybe just describe for us that are in the  
17 room that don't understand what you mean by the  
18 inversion. What is frost protection when you fly over  
19 it? Describe what happens in layperson's terms if you  
20 wouldn't mind, please.

21 A. Well, normally, not all the time, but normally  
22 the --- when you have a very still night, which is  
23 usually when you have frost, the cold air is heavier than  
24 the warm air, and it will sink to the bottom, sink to the  
25 surface.

1           And it will get warmer as you go up until you  
2 get to what's the top of the inversion level. It might  
3 be 100 or 150 feet high. Then it will get colder with  
4 altitude.

5           But that 100 feet of air is what you're working  
6 with and your -- the helicopter or -- in my case it was a  
7 helicopter, people use airplanes too -- you fly over the  
8 crop to force -- and you're forcing that air down into  
9 the crop to mix with the cold air to raise the  
10 temperature. And you're only looking to raise it from  
11 maybe 27 to 29, 30. It doesn't freeze until about  
12 29 degrees. Melons don't. And so you're just looking  
13 for a couple-degree increase.

14           And when we were doing it, beginning when we  
15 were doing it, it was important because of the vortices  
16 of the -- that is created by, you've maybe seen jets land  
17 at an airport and they have these vortices off their  
18 wings.

19           Well, aircraft has these vortices that tumble  
20 the air, twist the air, and if you're flying with melons,  
21 in this case, which are 80-inch beds, large beds but a  
22 vine crop, you want to force it into the furrow and up  
23 underneath the leaves and into the center. And by flying  
24 with the rows, we are able to get an additional one  
25 degree of warming as opposed to being perpendicular, and

1 that can be the difference between a crop dying and not  
2 dying.

3 Q. Have you reviewed the application for the --  
4 that's been filed by the project developer in these  
5 proceedings?

6 A. Yes.

7 Q. Do you recall the height of the transmission  
8 lines for which approval is being sought?

9 A. What I -- yeah, I saw -- heard -- I mean I saw  
10 160 to 190. I didn't know about the 220 until just  
11 recently, like today.

12 Q. Do you recall the voltage of the lines?

13 A. Yeah, 500,000 -- 5kV.

14 Q. Can you please describe what impact constructing  
15 160- to 190-foot tall transmission lines would have on  
16 the existing aerial operations for Martori Farms and  
17 Courthouse Ag Holdings' landing strip?

18 A. Well, the strip would be useless. You could  
19 land from the east going west, but that would be very  
20 dangerous because it wouldn't give you the ability to do  
21 a go-around if a tractor or pickup truck pulled out onto  
22 that runway.

23 Q. That's an interesting way of doing it. So I'm  
24 going to take my laser pointer here. Now, what would it  
25 do if there's 190-foot or 160-foot transmission lines

1 over here, what would it do to an aircraft's ability that  
2 is traveling west trying to -- coming from the east  
3 trying to land going this direction? What impact would  
4 that have on its ability to operate?

5 A. Like I said, if the pilot had -- if for any  
6 reason did not feel it was safe to land, like I said, a  
7 truck coming towards the runway, didn't know if he was  
8 going to stop or so on, he would go around. And if he  
9 was near the ground, it would be very difficult unless  
10 you're in a very high-powered airplane to make it over  
11 190-foot obstacle.

12 On a runway length when they're calculating that  
13 runway length, the FAA will say the length of the runway  
14 is the ground run plus what it takes you to get to  
15 35 feet. And with a 200-foot line and plus, getting a  
16 reasonable distance above that would be impossible.

17 Q. So conversely, if you were an aircraft that was  
18 flying from the west to the east, why couldn't it just  
19 land over 190-foot transmission lines?

20 A. There wouldn't be enough runway. By the time  
21 you descended from the 250 or 300 foot point, you would  
22 be at that power line. To clear the power line you  
23 wouldn't have any -- enough room to land, touch down and  
24 stop the aircraft. You'd have to have a helicopter.

25 Q. So if this landing strip that you've used for

1 50 years were no longer able to be used for crop dusting  
2 and frost control flights, what impact would that have on  
3 the existing agricultural operations?

4 A. Well, it would obviously increase the risk if  
5 you're not able to effectively do frost protection. Your  
6 crop dusting could occur, but would not be as effective.

7 Any time they have to pull up, and I've grown  
8 many hundreds of thousands of acres of crops over my  
9 career, and the pests are always, the pest control is  
10 always less effective at the end of the rows where  
11 they've had to pull above and therefore are higher above  
12 the crop than they are the remainder of that pass.

13 CHMN. KATZ: I just had a quick question.

14 MR. MARTORI: Sure.

15 CHMN. KATZ: I understand the transport issues  
16 regarding the aircraft and the frost protection. But did  
17 you say earlier that this farm produced organic melons or  
18 is that only a portion of what's produced on the  
19 property?

20 MR. MARTORI: No, this, our company produces --

21 CHMN. KATZ: But not at this site?

22 MR. MARTORI: But not at this site. At the  
23 other site in the valley, we produce organic.

24 CHMN. KATZ: I have no further questions.

25 MR. MARTORI: And up in Aguila we produce

1 organic.

2 BY MR. CARROLL:

3 Q. So, I'm sorry. What would the overall impact to  
4 the agricultural operations be if you could not  
5 effectively perform crop dusting?

6 A. Well, it would greatly increase the risk. It  
7 would -- you probably would not grow the crops near the  
8 power line, so you would lose a significant portion of  
9 the farm. If not, it may be so difficult you wouldn't  
10 farm that -- I've never had -- I've never been faced with  
11 that particular situation.

12 Q. And if you could not perform frost protection  
13 flights, what would happen to your crops?

14 A. They would freeze.

15 Q. Queue 9, please.

16 Mr. Martori, are these photographs of the  
17 greenhouses as you previously referred to in your  
18 testimony which is also depicted in your prefiled  
19 testimony?

20 A. Yes, it is.

21 CHMN. KATZ: Could you depict that with the  
22 laser pointer because I see a whole group of development  
23 on the north --

24 MR. CARROLL: Yes.

25 CHMN. KATZ: -- and then on the south there's



1 additional --

2 MR. CARROLL: Absolutely. I was just going to  
3 clarify.

4 BY MR. CARROLL:

5 Q. So, Mr. Martori, is this an enlarged photograph  
6 of the greenhouses?

7 A. Yes.

8 Q. Okay. And can you share with me where on the  
9 aerial view where these are located?

10 A. Right there.

11 Q. Okay. So the northwest corner; is that correct?

12 A. Correct.

13 Q. You got competing lasers.

14 A. Is that what?

15 Q. I thought you had a laser too. I didn't know if  
16 we were playing Star --

17 A. I do.

18 Q. Nice.

19 And what's located down here, sir?

20 A. That is a -- I'm not sure what it's called now,  
21 but it was California's -- what was the name of it?  
22 The -- it's a power plant, it's a big gas-fired power  
23 plant, PG&E.

24 MR. CARROLL: Objection.

25 MR. MARTORI: Yeah, it's Harquahala Power Plant

1 I think how it's commonly referred to.

2 BY MR. CARROLL:

3 Q. I appreciate that.

4 And what was your experience with this being  
5 developed? Did you have objections to that?

6 A. That was a problem. They proposed this site had  
7 to be right next to our farm for some reason, I guess  
8 Delaney. And our irrigation district vehemently opposed  
9 it.

10 Long short of it, they ended up agreeing to pay  
11 the district impact fee of \$15 million, and the  
12 surrounding landowners received an impact fee. I think  
13 it was maybe \$1,500 an acre.

14 Q. But you didn't want that, did you?

15 A. No.

16 Q. Happened to you anyway?

17 A. No. Nobody wanted it in the valley, and I  
18 especially didn't want it.

19 Q. Okay. So I got a little off track there. But,  
20 Mr. Martori, going back to the greenhouses, would you  
21 please describe the function of these greenhouses?

22 A. They provide an environment. They're heated  
23 during the winter. We start planting there, dropping  
24 seed we call it in the first of the year, end of  
25 December, first of January.

1           And there's a -- I don't want to point at this.  
2   There's a -- that's a seed room right there, that white  
3   building. And that drops the seed and vermiculite and  
4   everything you need in the tray, a tray about 12 by  
5   18 inches, holds about -- holds 162 plants.

6           And the machine seeds that tray. And we put a  
7   group of them on a rack and put the racks into the  
8   greenhouse and the greenhouse provides heat when  
9   required.

10           The computers will open and close the side --  
11   sides of the buildings to allow for to cool it if it gets  
12   too hot in there, or to let humidity out of it if it gets  
13   too humid in there. So it's a very complicated operation  
14   that is monitored 24 hours a day, seven days a week.

15       Q.     And how many plants run through those  
16   greenhouses per year?

17       A.     Over the season, about a hundred million.

18       Q.     And where do the -- what is the destination for  
19   the plants that go through that greenhouse? Do they all  
20   stay on the Harquahala property?

21       A.     They go all over our properties throughout the  
22   state.

23       Q.     And these greenhouses, they're unique to this  
24   property?

25       A.     This is the only property we have greenhouses

1 on. Supplies the whole operation.

2 Q. What is your concern relative to the greenhouses  
3 if proposed Route B along the western edge is approved?

4 A. Well, I mean, I don't know what the long-term  
5 effects of someone working directly below a 5kV, you  
6 know, there just seemed to be information that it was  
7 little harm to no harm to significant harm.

8 Workers with, you know, heart valves or  
9 pacemakers, we don't know what the -- what that outcome  
10 is, so the fact that we have people that work a great --  
11 close proximity to us is concerning. To the extent that  
12 we -- you know, if it was harmful we'd have to shut it  
13 down.

14 Q. Sure.

15 A. Whether or not the EMF, electromagnetic field,  
16 affects the growth of the plants, you know, everything we  
17 do is specifically timed so we have a certain amount of  
18 production every day to meet our contracts, and if  
19 something disturbed that timing, it would be extremely  
20 costly to us. So, and we've had evidence that it either  
21 does nothing or it hurts them.

22 So that remains to be seen. I don't want to be  
23 the laboratory for it, though.

24 Q. Fair enough. Mr. Martori, what I've got on the  
25 screen here, are these photos of a sampling of beehives

1 on the Courthouse Ag Holdings properties that are filed  
2 with your prefiled testimony?

3 A. Correct. I took those photos.

4 Q. And as depicted in these photographs, these are  
5 located on the property edges?

6 A. Correct.

7 Q. And remind me again why the bees are located on  
8 the property edges.

9 A. So they're accessible for the beekeeper, and so  
10 they're able to move across the field in relatively short  
11 distance. The closer they are to the hives the more  
12 effective they are. And wind direction, et cetera,  
13 affects that. Everything, temperature, bees are very  
14 particular.

15 Q. About how many beehives would you say you have  
16 on these properties?

17 A. On this particular farm, like I said, at one and  
18 a half to two hives. So a couple thousand hives.

19 Q. Describe for me based upon your experience in  
20 the agricultural realm, what is the importance of the  
21 bees to the crops that are grown on Courthouse Ag's  
22 property?

23 A. Without bees, we would have about a 90-plus  
24 percent, 97 percent, I think I heard, reduction in  
25 production.

1 Q. What, then, is your concern about proposed  
2 transmission lines going along the western edge where  
3 these beehives are located?

4 A. Well, I'm concerned that it would affect the  
5 efficacy of the bees anywhere from 97 percent down to  
6 some other number. I'm not sure what that would be. But  
7 I think it would be at varying degrees of how much it  
8 would disturb the bee -- the bee's ability to pollinate  
9 or willingness to pollinate.

10 A lot of times they will not pollinate. They'll  
11 stay in the hives. And that, again, remains to be seen.  
12 The evidence on that is much more clear, though, that  
13 there would be a very negative effect on bees' ability to  
14 navigate and pollinate to the point where they apparently  
15 start attacking the hive and therefore destroying the  
16 queen.

17 Q. And just to clarify, for purposes of the record,  
18 when you're talking about -- what is it about the  
19 existence of the routes that would give rise to those  
20 concerns? In other words, what is causing that, to the  
21 best of your knowledge?

22 A. Prevailing winds, temperatures, et cetera. I  
23 mean --

24 Q. Well, I guess a better way of asking is what --  
25 what of the property of the transmission lines, what is

1 causing the effect to your knowledge on the bees? Or  
2 have you come to learn what that is?

3 A. Well, I thought we mentioned it.  
4 Electromagnetic field is -- has the impact on the bees.  
5 And understand as little as, what, a 100kV line will  
6 affect them. At 500 it obviously gets more significant.

7 Q. You also mentioned some concerns relative to  
8 property values if Route B is approved; is that correct?

9 A. Correct.

10 Q. Please describe those again briefly.

11 A. Well, like I said, future development. It will  
12 also affect the value as far as its value as agricultural  
13 land. I mean, I would not buy a farm next to a 190- or  
14 220-foot power line.

15 Q. The concerns you've raised with respect to  
16 proposed Route B, do they exist with proposed Route A?

17 A. To a much lesser extent. I mean we have, from  
18 day one we -- we wanted to cooperate with this. You  
19 know, we believe in development and we believe in solar  
20 energy. And that route does have an effect. I mean,  
21 it's within -- it's right at the corner of our farm but  
22 it's nothing like these other routes.

23 Q. You used the word cooperation, and I'm glad you  
24 did because that takes me to my next question. You were  
25 in the room for the applicant's testimony a few minutes

1 before, and you heard some discussion about all the  
2 cooperation that they detailed and they believed that  
3 they have shown towards you and your organization. Did  
4 you hear that?

5 A. Yes. Yes.

6 Q. How would you describe the cooperative process  
7 from your perspective?

8 A. Yeah, I was hoping that this hearing would stay  
9 on a professional, cooperative basis. But the misleading  
10 of the Committee to me was shocking. These meetings that  
11 were mentioned as meetings were, many of them, if not  
12 most of them, were phone calls with their real estate  
13 broker talking to us, nothing about the project, just  
14 about the fact that they wanted to lease our ground or  
15 buy our ground.

16 We made it very clear that it just would have  
17 such an impact on us that it wouldn't be worth -- they  
18 wouldn't -- it couldn't make the project economical in  
19 our opinion. And they must have agreed because those  
20 discussions, although there were several of them  
21 didn't -- didn't go on very long. And we never heard  
22 from them, I don't know, it seemed like a year.

23 And I've never met anybody in person from that  
24 organization until today. Other than on a -- one Zoom  
25 call that I can recall that this gentleman was on and



1 others.

2 Q. Do you recall who prompted the Zoom call?

3 A. Our legal counsel, yourself, I believe are --  
4 did them all or someone from your office.

5 Q. Would you agree with the notion that there was a  
6 proactive cooperative outreach towards you as an  
7 effective landowner?

8 A. Absolutely not. I mean, this seems that I  
9 should have been one of the first people that they talked  
10 to. Because they owned all -- or had the rights to all  
11 the other land around us that had any significant impact  
12 like a farming operation like ours would.

13 MR. CARROLL: Very good. One moment.  
14 Mr. Martori, thank you very much, I'm going to turn you  
15 over for cross-examination. And I may redirect as  
16 needed.

17 But, Counsel, you have the floor if you'd like  
18 it.

19 MS. GRABEL: Mr. Chairman, if there are any  
20 questions that the Committee would like to ask  
21 Mr. Martori before I ask him some questions?

22 CHMN. KATZ: I think it would be helpful for you  
23 to go and then we'll ask the Committee whether they have  
24 any questions. Unless there's something real pressing.

25 Go ahead.

1 MS. GRABEL: Thank you, Mr. Chairman.

2

3

CROSS-EXAMINATION

4 BY MS. GRABEL:

5 Q. Mr. Martori, just real quickly, you know, you  
6 mentioned that there were no in-person meetings during  
7 the time that -- these past couple of years while this  
8 project was being planned. Did I hear you correctly?

9 A. Other than the attorney -- I mean other than the  
10 counsel -- the broker.

11 Q. Okay.

12 A. That I recall.

13 Q. So you are aware that the COVID pandemic was  
14 going on during that time and that the companies were  
15 prohibited from meeting people in person; correct?

16 A. I didn't -- no one asked me why we didn't have  
17 meetings, but maybe that's why, I don't know. But  
18 your broker was able to meet in person.

19 Q. I'm not familiar with the broker conversations,  
20 I'm just asking --

21 A. Okay.

22 Q. -- about the public process type of meetings.

23 Do you agree that the applicant had open houses,  
24 virtual open houses that you participated in?

25 A. Open houses? I believe there was, like I said,

1 Zoom calls. Well, no, one of them was just a phone call.  
2 Correct? I think I -- one I attended was just on the  
3 phone.

4 Q. I'm not sure which -- what you're referring, but  
5 we'll go through this --

6 A. The first one. The first one like December of  
7 last year or January this year.

8 Q. Okay. We'll talk through the public process  
9 when we get back to our direct case. I just wanted to  
10 clarify, you know, that Shell does have a policy of not  
11 being able to meet during COVID, so it certainly wasn't  
12 personally intended.

13 MR. CARROLL: Objection. That's not testimony,  
14 is it?

15 MS. GRABEL: It's just an apology, I suppose.

16 MR. CARROLL: That's nice of you.

17 MR. MARTORI: So they didn't meet with anybody  
18 with this project in person?

19 MS. GRABEL: I have never met Mr. da Cunha until  
20 yesterday.

21 BY MS. GRABEL:

22 Q. So it sounds from your testimony, Mr. Martori,  
23 that you visit your property frequently?

24 A. Pardon?

25 Q. It sounds from your testimony that you visit

1 your property relatively frequently?

2 A. Yeah. I'd say so.

3 Q. And you're familiar with the topography;  
4 correct? You know where things are located?

5 A. Pretty much.

6 Q. Okay. Are you aware of the location of existing  
7 electrical infrastructure on your property?

8 A. Yeah. I wanted to bring that up when it relates  
9 to the runway that was not -- you were unable to find,  
10 APS put a power line that ran down 491st until it got  
11 within 650 feet of the runway and buried it because of  
12 the runway. So they were able to find the runway.

13 Q. Well, are you aware that there is an existing  
14 69kV line that runs north and south on the entire west  
15 side of your property?

16 A. Yes, I am.

17 Q. Okay. And, in fact, that's where the bees, some  
18 of the beehives you mentioned are located along that same  
19 western boundary; correct?

20 A. Correct.

21 Q. Within close proximity to that existing 69kV  
22 line?

23 A. Correct. What I understand, you need about  
24 100kV to be impactable, but go ahead.

25 Q. So that 69kV line, then, does not interfere with

1 bee activity; correct?

2 A. How would I know? I didn't know about this till  
3 recently. It's something we're going to look into for  
4 sure. But as far as I know, we don't have any proof of  
5 that. But something we're looking into.

6 We do know that our field 9 which is in the  
7 southeast corner, has traditionally lower yields, and  
8 that is within, certainly within 500 feet of the kV line,  
9 whatever it is, I think it's 500, coming out of  
10 Harquahala generating station. That's something else  
11 we're going to look into.

12 Q. The 69 -- this existing 69kV line that's on the  
13 west side of your property does not interfere with your  
14 use of the landing strip; is that correct?

15 A. That's why it's 4,000 feet instead of 5,000.  
16 It's a mile-long strip, but it's not usable in our  
17 opinion for the last thousand feet of it.

18 Q. If we were to engineer the 500kV line such that  
19 it had no greater impact to the landing strip than the  
20 existing 69kV distribution lines -- 69kV lines, excuse  
21 me, would that resolve your concern with respect to the  
22 landing strip?

23 MR. CARROLL: Objection. Assumes facts not in  
24 evidence and assumes a hypothetical. We haven't been  
25 presented with that.

1 CHMN. KATZ: Well, again, I'm going to allow it  
2 to be answered because irrespective of what we do here  
3 today, it might help facilitate discussions between the  
4 parties. I'll allow it to be answered. If the witness  
5 feels he can.

6 MR. MARTORI: Well, if it had no more height  
7 than that line for that particular scope of an aircraft  
8 operation like what APS recognized, 650 feet, it wouldn't  
9 affect the runway.

10 But the 500kV line would still affect the bees  
11 all along the property, and so --

12 BY MS. GRABEL:

13 Q. I --

14 A. So, but to answer your question, it -- it would  
15 mitigate the landing if it was no taller than what's  
16 already there.

17 Q. Thank you. And I believe you mentioned earlier  
18 that your crop dusting is performed during the day;  
19 correct?

20 A. The what?

21 Q. Your crop dusting, you perform crop dusting  
22 during the day?

23 A. My understanding is that crop dusting is the  
24 day. I assume they do it at night, too, but my  
25 understanding is the day.

1 Q. Okay. And you know much more about crop dusting  
2 than I, but my understanding from conversations with our  
3 expert is that there's several methods of applying  
4 pesticides or herbicides to crops.

5 You can do it through terrestrial vehicle, such  
6 as your ground rigs. You can use a fixed-wing airplane  
7 and maybe a helicopter.

8 So do you -- do any terrestrial crop dusting  
9 currently?

10 A. From the ground?

11 Q. Yes.

12 A. Yeah, we prefer that. It's able to get much  
13 closer to the crop, doesn't have the areas that -- where  
14 the airplane rises and is less effective.

15 Q. How much --

16 A. But you can't do it when it's wet, the ground's  
17 wet. Go ahead.

18 Q. That's fine. How often do you use a ground rig  
19 compared to an aerial aircraft for crop dusting?

20 A. Much more often. We try -- we try to do --  
21 whenever the ground is dry enough to do it, so it would  
22 have to be a situation where it's too wet to get a ground  
23 rig in there.

24 Q. Okay. If the ground is wet and you're not able  
25 to perform it, you know, by a terrestrial vehicle, do you

1 use a fixed-wing airplane to crop dust?

2 A. The last time, I think earlier this year we  
3 talked about using helicopters. I don't know if that's  
4 all that was available, but I knew we were going to use a  
5 helicopter. Ultimately we were able to delay it a day  
6 and we got a ground rig in.

7 Q. Okay. And as a helicopter pilot, would you  
8 agree that it's much easier to navigate transmission  
9 lines than it is in a fixed-wing airplane?

10 A. Yes.

11 MS. GRABEL: Thank you. I have no further  
12 questions.

13 CHMN. KATZ: Redirect?  
14

15 REDIRECT EXAMINATION

16 BY MR. CARROLL:

17 Q. Mr. Martori, would you agree it's much easier to  
18 navigate a helicopter around transmission lines when  
19 you're performing nighttime operations?

20 A. No. I think it doesn't make any difference. If  
21 you can't see the line you can't see the line. And  
22 there's all kinds of things that can happen at night.  
23 I've been struck in an airplane with a bird at night, and  
24 if I was in a helicopter or a fixed-wing plane and I saw  
25 an object coming at me, I would try to dodge that object



1 and that could result in you flying into a power line.

2 Recently a helicopter flew into power lines down  
3 in the Yuma area, and it was in the daytime. So, I mean,  
4 it can happen night or day.

5 Q. I'm just thinking one more second before I let  
6 you get off the stand, if I may.

7 A. Take your time.

8 MR. CARROLL: I have no further questions for  
9 you, Mr. Martori. This concludes your summary of your  
10 direct testimony here today.

11 MR. MARTORI: Thank you.

12 MR. CARROLL: Thank you.

13 CHMN. KATZ: Let me just ask if the Committee  
14 members have any questions for Mr. Martori?

15 MEMBER GRINNELL: Mr. Chairman.

16 CHMN. KATZ: Yes, Mr. Grinnell.

17 MEMBER GRINNELL: Is any of the proposed, I  
18 guess, line B or B1, is any of that on your private  
19 property, or is everything on the perimeter of your  
20 property?

21 MR. MARTORI: On the perimeter.

22 MEMBER GRINNELL: It's on the perimeter. Would  
23 the --

24 MR. MARTORI: Let me -- let me clarify that.  
25 You said is it on our property or on the perimeter, I

1 assume you meant the perimeter of their property.

2 MEMBER GRINNELL: I'm talking about your  
3 property here.

4 MR. MARTORI: No, none of it is -- none of it is  
5 directly on -- directly on our property. It's adjacent  
6 to the property, within, you know, their right of way, I  
7 think, comes right up to our border.

8 MEMBER GRINNELL: So there would be no taking of  
9 personal property, eminent domain issues or anything of  
10 that nature involved in this particular discussion? I'm  
11 just trying to clarify what other issues there may or may  
12 not be.

13 MR. MARTORI: That's a legal question, but I  
14 think that preventing the use of our property is a  
15 taking.

16 MEMBER GRINNELL: Okay. Thank you, sir.

17 MR. MARTORI: Thank you.

18 MEMBER LITTLE: Mr. Chairman.

19 CHMN. KATZ: Yes, Member Little.

20 MEMBER LITTLE: Mr. Martori, am I correct --

21 MR. MARTORI: I'm sorry.

22 MEMBER LITTLE: I'm assuming that -- or it  
23 sounds to me like there's a currently there's a 69kV line  
24 that runs on the west side of your property.

25 MR. MARTORI: Correct.

1 MEMBER LITTLE: And there's a 500kV line from  
2 the Harquahala Power Plant that runs on the south side  
3 currently?

4 MR. MARTORI: Well, it starts at the southwest  
5 corner. So it really doesn't -- it might have a hundred  
6 or so feet or so of -- near our property. We don't own  
7 that corner. So our property is, I'd say, probably 2- or  
8 300 feet from that particular corner.

9 MEMBER LITTLE: Okay. And you have noticed that  
10 there is a diminished crop output down in that corner?

11 MR. MARTORI: Correct. We didn't attribute it  
12 to that line, but that's something we're going to look  
13 into.

14 MEMBER LITTLE: And there are no other  
15 transmission lines that are on the south side or the west  
16 side of your property currently?

17 MR. MARTORI: No -- no major ones. There might  
18 be a utility line along the south of our -- the property  
19 next to us because there's wells over there. I assume  
20 they have some sort of utility lines to these wells, but  
21 those are all, even the 60kV is probably a third the  
22 height of -- or less of the proposed height.

23 MEMBER LITTLE: Right. You mentioned that APS  
24 undergrounded a section of a line that they have that is  
25 adjacent to the end of the runway.

1 MR. MARTORI: Correct. They have a line that  
2 runs on the east side of 491st, which is our eastern  
3 border.

4 MEMBER LITTLE: Oh, on the east side. Okay.

5 MR. MARTORI: And it runs on the east side of  
6 that road. And then it -- they went underground about  
7 650 feet on -- where the runway threshold is.

8 MEMBER LITTLE: But it's on the opposite side of  
9 what we're considering here today.

10 MR. MARTORI: Correct. It's not on our  
11 property, it's on the opposite side of --

12 MEMBER LITTLE: Thank you.

13 MR. MARTORI: Thank you.

14 CHMN. KATZ: Any other Committee questions?

15 (No response.)

16 CHMN. KATZ: You are excused. You're more than  
17 welcome to hang out as long as you wish.

18 MR. CARROLL: Mr. Chairman, I believe there is a  
19 Committee member that may be --

20 CHMN. KATZ: Mr. Gentles, did you have a  
21 question?

22 MR. CARROLL: Mr. Gallery. Mr. Zoom Gallery.

23 CHMN. KATZ: Go ahead, Mr. Gentles. You're  
24 muted. You're still muted. I don't know what the  
25 situation is. I'd ask our IT people, I don't think we're

1 having a problem at this end. Correct?

2 AV TECH MOELLER: No, this end's fine. We were  
3 just able to hear the last comment on our end, so I  
4 believe that's on his end.

5 CHMN. KATZ: Mr. Gentles, I don't know if you  
6 want to hold off till later, but I don't know why we  
7 can't get you to -- your verbal or audio. Okay.  
8 Mr. Martori.

9 MR. MARTORI: I'll give him my phone number if  
10 he wants to call.

11 CHMN. KATZ: We can't do that.

12 AV TECH MOELLER: He can write a comment in the  
13 chat if you wanted to.

14 CHMN. KATZ: Yeah, I don't know if you want to  
15 make comment in the chat and then we could ask the  
16 question for you, Karl.

17 I think he's going to put it in the chat and  
18 have our IT folks read it or have one of the attorneys  
19 read it.

20 AV TECH MOELLER: Mr. Chairman, Member Gentles  
21 asks if the airstrip is marked and visible.

22 CHMN. KATZ: Is what?

23 MR. MARTORI: Is the airstrip marked and  
24 visible.

25 AV TECH MOELLER: Correct.

1 MR. MARTORI: Like I said, there's markers down  
2 the perimeter or the length of the airport. They're  
3 basically what we have on other runways. Old tires that  
4 you bury, half of it in the soil, half of it's standing  
5 up painted white so the pilot can see the edge of it.

6 The other edge is the field itself, which is  
7 obvious. And in our case, these fields are all drip  
8 irrigation so it's a permanent drip that can easily be  
9 determined, it's been there a long, long time.

10 CHMN. KATZ: And the runway doesn't have any of  
11 the lights that would mark --

12 MR. MARTORI: No, no, no. We don't land there,  
13 other than the helicopter I landed there at night, but I  
14 wouldn't land an airplane there at night.

15 CHMN. KATZ: Understood. Any other questions by  
16 the Committee?

17 MEMBER HAMWAY: I just was curious, how busy,  
18 how many times a month does an aircraft, helicopter,  
19 whatever, use that runway?

20 MR. MARTORI: It's -- since COVID we no longer  
21 use aircraft to go out to the farm because we would have  
22 people in it and didn't want to have them confined in a  
23 cabin. We are going to resume aircraft use in December.  
24 We normally go out there on a weekly basis.

25 MEMBER HAMWAY: And will we see the runway

1 during the Gooble -- Gooble -- the Google flyover or the  
2 flyover, whoever does it?

3 MS. GRABEL: Mr. Chairman, Member Hamway, our  
4 Google flyover doesn't show the runway but we will pull  
5 up a Google Earth photo so we can get a closer look at  
6 it.

7 MR. CARROLL: If it helps, I don't know -- if I  
8 may, would you please put --

9 MR. MARTORI: I brought up Google for my  
10 attorney earlier when this was brought up. And I could  
11 go back as far as 2010 and see it. Before that they get  
12 very blurry, but you can see it in 2010.

13 MR. CARROLL: Would you queue 8, please? Thank  
14 you very much.

15 Would you mind, this -- the red line kind of  
16 covers it up, but what I think might be helpful for the  
17 committee to see is would you go up, please, or go -- I  
18 hesitate to reopen re-redirect, but I guess the point is  
19 that's an on the ground to the extent that it's a  
20 depiction of what a landing strip, of what the landing  
21 strip looks like.

22 So it's not just a sort of a canal in other  
23 words. So if you were looking on a Google map. But to  
24 the extent that it helps.

25 MEMBER HAMWAY: So it's a road also; correct?

1 MR. MARTORI: There is a road parallel to it,  
2 but if we're not using it, we generally call them up and  
3 say we're on our way out. But vehicles have used it for  
4 a road.

5 We use it for loading product during the harvest  
6 season also. And so it does -- it is used further.  
7 There is a helipad at one end which is concrete that's  
8 been there for 30 years. They probably did see that but  
9 didn't realize it was a helipad.

10 AV TECH MOELLER: Mr. Chairman, another question  
11 for Member Gentles.

12 CHMN. KATZ: Yes.

13 AV TECH MOELLER: He wanted to pose to the  
14 applicant why was that runway not identified, and I'm  
15 speaking in verbatim, but why was runway not identified  
16 during site visits or why did that not come up during a  
17 public comment period?

18 MR. MARTORI: The --

19 MR. CARROLL: I'm sorry, was that directed to  
20 the applicant or was that directed to Mr. Martori? I  
21 thought I heard --

22 CHMN. KATZ: I believe it's directed to  
23 Mr. Martori.

24 MR. CARROLL: I thought I heard the question was  
25 directed to the applicant.



1 AV TECH MOELLER: In -- the first line his  
2 question poses, if the previous was true, in our -- his  
3 previous question, then why did not the applicant -- why  
4 didn't the applicant see this?

5 MR. CARROLL: Oh, so I guess that's a  
6 Mr. Martori question. Calls, I mean --

7 MR. MARTORI: Why didn't the applicant see it?  
8 That's bewildering to me. But we didn't bring it up  
9 initially because line -- the B route wasn't there until  
10 somewhat later in the process.

11 MR. CARROLL: That was a question --

12 MR. MARTORI: In other words, the power line,  
13 they've had multiple changes in their routes, and the B  
14 route that went along the western border wasn't there  
15 last January. I think it showed up in June or sometime  
16 this summer is my recollection.

17 MEMBER GENTLES: Mr. Chairman, can you hear me?

18 CHMN. KATZ: Yes, we can hear you now.

19 MEMBER GENTLES: Okay. Thank you. But my  
20 question is really around the initial opening statement  
21 from Ms. Grabel that they did not know or see or  
22 understand that there was a landing strip on the  
23 property, which I guess has an impact on one of the  
24 lines.

25 So my question is, is it like a secret landing

1 strip or something nobody can see it? Or is it an  
2 official landing strip or unofficial? Or is it covered  
3 up at night? Or -- I imagine a landing strip is pretty  
4 well visible to anybody who goes out and takes a look at  
5 the area.

6 That's where my confusion is. I don't  
7 understand how somebody can say I didn't see a landing  
8 strip out in the middle of the -- you know, a field.

9 CHMN. KATZ: Again, I don't know if that's a  
10 question for Mr. Martori or it's something that maybe  
11 member -- I mean, Counsel Grabel can go through with her  
12 witnesses when we --

13 MR. MARTORI: It's clearly the widest parcel of  
14 what would look like to any layman, look like at least a  
15 road. And why would it be so wide. And then with the  
16 tires that are implanted along it, certainly anyone of  
17 any knowledge -- I don't know if they asked their expert  
18 to look at that. But any crop duster would recognize it  
19 as a landing strip.

20 MEMBER HAMWAY: But there are no flags; correct?  
21 Wind flags, sock flags, the soft --

22 MR. MARTORI: You know, there is a sock mount up  
23 there. And with all the weather we've had, it may be  
24 still there. But you could see the pole and the loop.  
25 That doesn't generally get taken down. But I'm not sure

1 if there's a sock. They don't last forever. And since  
2 we hadn't been using it for COVID, I don't know if it was  
3 maintained.

4 CHMN. KATZ: May Mr. Martori be excused or --

5 MS. GRABEL: I do have --

6 MEMBER GRINNELL: I have a quick question  
7 about --

8 CHMN. KATZ: Sure, Mr. Grinnell.

9 MEMBER GRINNELL: -- the legends on the map that  
10 we have, and your property is near it, shows in the  
11 vicinity of Thomas Road and Indian School and Camelback.  
12 Is that right? Or are you south of I-10?

13 MR. MARTORI: Correct. We're south -- south of  
14 I-10. The top of the ranch being Camelback. The runway  
15 being alignment with Indian School. And the power plant  
16 I believe is Thomas.

17 MR. CARROLL: If it would help the Committee,  
18 earlier in the prefiled testimony there is actually an  
19 overlay of a colored section that shows where as it  
20 relates to the project the Martori property is. We can  
21 put that up if you'd like, in the prefiled testimony.  
22 Would you go back to the last queue and I'll just tell  
23 you which page.

24 MEMBER GRINNELL: Well, I guess my real question  
25 is my understanding, physical understanding of the area

1 is that Thomas, Camelback, Indian School are all north of  
2 Interstate 10.

3 CHMN. KATZ: Thomas is south.

4 MR. MARTORI: They are north in Phoenix. As you  
5 go to the west, I-10 angles to the north.

6 MEMBER GRINNELL: Okay. That was what I was  
7 trying to clarify, because I find your property on the  
8 bigger map and I couldn't delineate where is what. Okay.  
9 I appreciate the clarification. Thank you.

10 CHMN. KATZ: Any other Committee questions? And  
11 did you have --

12 MS. GRABEL: I do have one redirect based on  
13 what was asked previously, but if there's Committee  
14 questions first.

15 CHMN. KATZ: I don't think we have any.

16

17 RE-CROSS-EXAMINATION

18 BY MS. GRABEL:

19 Q. Certainly, if we could scroll to page 19 on  
20 this. I'd like to --

21 MR. CARROLL: I was trying to show the Committee  
22 just to confirm, if I may, where the alignment was. I  
23 thought it would help. I'm not sure if that helps but  
24 you can see where Thomas is. I apologize. I'm sorry,  
25 Counsel.

1 MS. GRABEL: That's all right.

2 CHMN. KATZ: Okay. Go ahead.

3 BY MS. GRABEL:

4 Q. Okay. If we could go back to the prior exhibit  
5 or the page of Mr. Martori's testimony, I believe it's  
6 page 19, that has the picture of the landing strip on it.  
7 So Mr. Martori, you testified that there are white tires  
8 marking the landing strip. Where are those white tires?

9 A. They're on the left side of the strip.

10 Q. So they're not visible from this photo?

11 A. Let me go up and look. There's one there.  
12 There's one there. But they're right on this edge here.  
13 There's probably one here. They're about every hundred  
14 feet or so. Few hundred feet.

15 CHMN. KATZ: Jennifer, were you able to hear?

16 (Reporter nodded.)

17 CHMN. KATZ: Okay. I was asking our reporter if  
18 she could hear what you were saying. Because you weren't  
19 at your microphone, we couldn't all hear you.

20 MR. MARTORI: Well, I pointed out, they just  
21 looked like a little object out there. But they're down  
22 the south edge of the strip. And to the south of that is  
23 a kind of a wash, a depressed area we use as a road. It  
24 also is a wash. And so the tires delineate the wash from  
25 the airstrip.

1 BY MS. GRABEL:

2 Q. So Mr. Martori --

3 A. If you go out there today, you could find them.  
4 And the helicopter pad is at the east end if anyone looks  
5 for that.

6 Q. So, Mr. Martori, are half-buried tires placed on  
7 the far west side of a property a sign of a landing  
8 strip?

9 A. To pilots it is. At least to me and I've seen  
10 many strips that use that for markings.

11 MS. GRABEL: Thank you.

12 CHMN. KATZ: Anything further?

13 MR. MARTORI: Am I done?

14 MS. GRABEL: Nothing for me.

15 CHMN. KATZ: You're excused. You're welcome to  
16 stay or leave as you might feel free.

17 MR. MARTORI: Mr. Chairman, Committee, thank you  
18 very much.

19 MR. CARROLL: Thank you, Mr. Martori.

20 MR. MARTORI: I don't know if anybody wants to  
21 me stay, but I appreciate.

22 CHMN. KATZ: Thank you.

23 We have about another 20, maybe 30 minutes max  
24 before we need a break again. We can pick back up with  
25 your witnesses, Ms. Grabel.

1                   MARCUS DA CUNHA AND RICHARD KNOX,  
2 called as witnesses as a panel on behalf of Applicant,  
3 having been previously affirmed or sworn by the Chairman  
4 to speak the truth and nothing but the truth, were  
5 examined and testified as follows:

6

7                   DIRECT EXAMINATION (Cont.)

8 BY MS. GRABEL:

9           Q.       Certainly. All right. If we could go ahead and  
10 put MEC-5 back on the screens. And, Mr. da Cunha, I  
11 believe you were just about to turn to the slides  
12 regarding the types of structures that the project was  
13 going to use?

14           A.       (MR. DA CUNHA) Yeah, that's right.

15           Q.       Let's give them a moment to put it back up.

16           CHMN. KATZ: And what exhibit are we putting  
17 back up?

18           MS. GRABEL: MEC-5.

19           CHMN. KATZ: Got it.

20           MS. GRABEL: It's applicant's presentation.

21           CHMN. KATZ: Right.

22 BY MS. GRABEL:

23           Q.       And while we're waiting for that to be placed  
24 up, I think right when we left off, we were resolving a  
25 question with Member Haenichen about the certainty we

1 have with respect to various site control on this  
2 project.

3 And if you could just refer to the laminated  
4 placemat in front of you, is it correct that really the  
5 only real issue we have is on Alternative A around the  
6 APS Delaney Substation area, and that happens to be with  
7 respect to right of way negotiations we're having with  
8 Recurrent Energy and its RE Papago project?

9 A. (MR. DA CUNHA) Yes, that is the main issue  
10 indeed.

11 Q. And is it that issue that requires the approval  
12 of Route B in order to help us with those negotiations  
13 with the RE Papago team?

14 A. (MR. DA CUNHA) Yes, absolutely. The moment  
15 that we do not have an alternative that we have to use  
16 the RE Papago Recurrent Energy land, they will be,  
17 Recurrent Energy, even more uncooperative than they have  
18 been in the last year and a half or so.

19 Q. Thank you.

20 MEMBER LITTLE: Mr. Chairman?

21 CHMN. KATZ: Yes, ma'am.

22 MEMBER LITTLE: Isn't that the area that both  
23 alternatives will use? I mean isn't that common to  
24 everything that is being considered here? A, A1 and B?

25 MR. DA CUNHA: Committee member, Alternative A1



1 is the one that crosses the Recurrent Energy land and  
2 another private landowner.

3 So A1 is the one that stays north of Thomas Road  
4 alignment, the shorter one, the more direct.

5 MEMBER LITTLE: Right.

6 MR. DA CUNHA: And that is the only -- that is  
7 the route that we wish to use is the shortest one, the  
8 least expensive. The offshoot of that one,  
9 Alternative A, it is the longest one that goes -- that  
10 crosses south of the Thomas Road alignment and that is  
11 all in public land.

12 MEMBER LITTLE: The green --

13 MR. DA CUNHA: Part of that we already have a  
14 right of way from the State Land Department and part of  
15 that we are in the works with the Flood Control District  
16 of Maricopa County for the licensing permit.

17 And Alternative B does not cross Recurrent  
18 Energy and the other private landowner. So there's  
19 really Alternative A one that is the one that we most  
20 would like to use that we did not have yet that last  
21 piece. And that's why we have -- we must keep the other  
22 options open.

23 MEMBER LITTLE: I don't understand, then, why  
24 Alternative B gives you more negotiating power or however  
25 you want to put it to obtain the A1 right of way.

1 Because you've got A.

2 MR. DA CUNHA: Yeah, well, we still need to  
3 finalize the licensing permit with the County agencies  
4 for A as well as A1. We're in that vast work with those  
5 agencies. It's ministerial at this point.

6 But Alternative A1 that crosses those two  
7 private lands, one of the -- one of the leverage that we  
8 have with those entities is that we have options and the  
9 options being Alternative B.

10 MEMBER LITTLE: And A.

11 MR. DA CUNHA: And A, yes. But A, Alternative A  
12 is the one that crosses three times a 500kV lines, is the  
13 one that requires perhaps that -- those special 220-foot  
14 tall structures.

15 MEMBER LITTLE: I still don't understand why you  
16 can't use B to the point where A turns northeast -- or  
17 northwest.

18 MR. DA CUNHA: Could you please say that again,  
19 ma'am?

20 MEMBER LITTLE: I don't understand why you  
21 can't, without the map in front of me -- I don't  
22 understand why you can't use the Route B to the point  
23 where -- and then head northwest.

24 MR. DA CUNHA: Let's go back to our -- that was  
25 it.

1 MEMBER LITTLE: When I was looking at it, it  
2 appears to me that that area that's in pink there coming  
3 out of Delaney Substation heading west, you may have  
4 three different possible ways of getting out of Delaney  
5 and heading west.

6 But I don't understand how having the option of  
7 going all the way west and then north helps you negotiate  
8 anything within that area that's pink.

9 MR. DA CUNHA: Well, because it's the pink to  
10 the north right, and it's good to know this is pink.  
11 Thank you.

12 MEMBER LITTLE: No, the pink is the area that's  
13 surrounding the --

14 CHMN. KATZ: You've got the pink area correct.

15 MEMBER LITTLE: Yes, that's pink.

16 MR. DA CUNHA: Yeah, all those colors, you  
17 know --

18 MEMBER LITTLE: I apologize.

19 MR. DA CUNHA: I'm very jealous of you right  
20 now.

21 MEMBER LITTLE: I apologize. The whole area  
22 coming out of Delaney Substation, it looks to me like  
23 regardless of whether you take the route northwest or  
24 whether you take the route directly west, which is B,  
25 that whole area coming out of Delaney Substation, you

1 could use any one of those three routes that you have  
2 shown there, A1, A or B, to get to the point where you  
3 either go this way for A or this way for B.

4 MR. DA CUNHA: Yeah, all three are viable. At  
5 this point, we do not have neither of them and  
6 specifically because through A1, that is our most  
7 preferred one, we cannot reach a final agreement with  
8 Recurrent Energy.

9 CHMN. KATZ: Could you show us where that is?  
10 Because I was -- the map shows that in purple or in pink  
11 as it's described, it's purple or whatever, but it's  
12 showing that as all being county fee land, where is the  
13 private property within that oval area?

14 MR. DA CUNHA: Yeah, and I'm going to ask you to  
15 squint your eye a little bit. So you have the Delaney  
16 Substation.

17 CHMN. KATZ: Right.

18 MR. DA CUNHA: And there are four -- eight acres  
19 in total west of Delaney Substation, of which four is  
20 presently owned by Recurrent Energy and the other four to  
21 the west owned by another private entity. So it's really  
22 a short jog, if you will.

23 West of that is Maricopa County, the Flood  
24 Control District fee land that goes all the way up here  
25 to the top of the flood retardant structure.

1 CHMN. KATZ: So that private property would  
2 include A1 as well as A? That's why you were looking at  
3 the Alternative B which would start south of the private  
4 land?

5 MR. DA CUNHA: Only A1.

6 CHMN. KATZ: Okay.

7 MR. DA CUNHA: A, when it gets to this point  
8 here crosses to the -- I'm sorry. A, when it gets to  
9 this point here, crosses to the south side of Thomas Road  
10 alignment in Flood Control District fee land and then  
11 goes east a little bit more in Flood Control District fee  
12 land and crosses into Arizona State Land Department of  
13 land all the way into Delaney.

14 So it's county and state.

15 MEMBER PALMER: Mr. Chairman.

16 CHMN. KATZ: Yes, Mr. Palmer.

17 MEMBER PALMER: So I think adds to Member  
18 Little's question, if you have that option of A, not A1  
19 but A, why is B necessary?

20 MR. DA CUNHA: Well, A1 whilst we -- we nearly  
21 have it from end to end at this point is also the one  
22 that crosses the existing 500kV line twice. And that in  
23 itself increases reliability issues, you know, I mean  
24 pardon the obvious here, crossing a 500kV line is never  
25 trivial.

1           And there will be another line here, the  
2 HV Sunrise that you approved a few months ago that will  
3 also run around this area. So there'll be a, you know,  
4 the proverbial spaghetti here of 500kV lines, one  
5 crossing over the other three times.

6           It's feasible, it's doable. We'd like to avoid  
7 it. It's more expensive. It's harder to maintain and  
8 operate. For maintenance -- for maintenance of this  
9 line, whenever we need to send a crew for this short jog  
10 here, we need to turn off all the other two lines. It --  
11 it's -- it increases, it's more complicated. We'd like  
12 to avoid that one, right.

13           So in Alternative B is the one that also gives  
14 us another option to negotiate a point there with those  
15 private entities as in, hey, we have options. I'm so  
16 sorry.

17           MEMBER LITTLE: Mr. da Cunha, I still don't  
18 understand why if -- why you couldn't use B from the  
19 substation from Delaney Substation west and then use A.

20           MR. DA CUNHA: Oh. I see. I think what -- what  
21 are you saying. Right? So we would use B from here all  
22 the way to this point.

23           MEMBER LITTLE: Yes. Yes. Yes. Thank you.

24           MR. DA CUNHA: Ah, hey.

25           MEMBER LITTLE: Thank you.

1 MR. DA CUNHA: Who needs to turn on the closed  
2 caption, I guess it's me finally, isn't it?

3 MEMBER HAMWAY: That's the question. That's the  
4 question.

5 MR. DA CUNHA: Yeah. Right. Presumably we  
6 could. But then now it assumes that someplace here, we  
7 would, you know, instead of building, rebuilding four and  
8 a half miles, we would start here, put a new switchyard  
9 right there for which we have not applied for.

10 MEMBER HAMWAY: Why would you need a switchyard  
11 rather than just a turning structure?

12 MR. DA CUNHA: Yeah.

13 MEMBER LITTLE: So the rebuilt section is all  
14 the way to the end of the highlighted oval, then. Is  
15 that correct? Where is the rebuild section for option B?

16 MR. DA CUNHA: So from the Harquahala Power  
17 Plant all the way to Delaney.

18 MEMBER LITTLE: I see.

19 MR. DA CUNHA: Approximately four and a half  
20 miles.

21 MEMBER LITTLE: So you would need some means  
22 of -- I see.

23 MR. DA CUNHA: Yes.

24 MEMBER LITTLE: So you could rebuild. Yeah.

25 Okay. So you would need some kind of a switching station

1 or something in order to basically --

2 MR. DA CUNHA: Yes, uh-huh. And here at  
3 Harquahala Power Plant we already have the gear in place.

4 MEMBER LITTLE: Right. But that might be an  
5 option.

6 MR. DA CUNHA: I'll have to mull over it a  
7 little bit and get back with you on that.

8 MEMBER LITTLE: Thank you very much.

9 MR. DA CUNHA: You're welcome.

10 MEMBER HAMWAY: I just have one quick question.

11 CHMN. KATZ: Pull your microphone if you would.

12 MEMBER HAMWAY: Sorry. The options that expired  
13 in March, are those the ones that Recurrent outbid you  
14 for?

15 MR. DA CUNHA: No expired, no. This past March,  
16 right.

17 MEMBER HAMWAY: Right.

18 MR. DA CUNHA: That was another entity that  
19 outbided us. It was not recurrent.

20 MEMBER HAMWAY: So it's not this area we're  
21 talking about where your options expired.

22 MR. DA CUNHA: The options expired on property  
23 neighboring Mr. Martori's property. Roughly this area  
24 here, and another entity out bid us.

25 CHMN. KATZ: Yes, Mr. Palmer.



1 MEMBER PALMER: You indicated that one of the  
2 concerns with option A the -- you can take my word for it  
3 it's the green line -- would be more expensive to build.  
4 But my question is adding three miles of transmission  
5 line for option B certainly is more expensive to build as  
6 well.

7 MR. DA CUNHA: Yes. Correct. But a, you know,  
8 a more expensive line, it's better than no line. One  
9 thing it's worth mentioning here; right? We're immersed  
10 in the ministerial phase of wrapping up the work streams  
11 with the Flood Control District of Maricopa County and  
12 Maricopa County Department of Transportation, but it's  
13 not final yet.

14 MEMBER PALMER: Right.

15 MR. DA CUNHA: So in -- is a work stream that is  
16 not in my hands, I wish I could just go there and ask the  
17 friends, hey, sign here, stamp here, file this, vote on  
18 this.

19 So we don't have that yet either, you know, it  
20 depend on other people.

21 So until we wrap up this whole work from end to  
22 end, and the ministerial part, we believe we'll get  
23 there. Well, we don't have that either.

24 And then, you know, I think I'm finally answer  
25 the Committee member's question, you know, well, why

1 don't you use, you know, the same, the first leg of A,  
2 A1, but then use this leg of B?

3 Well, because then I'm putting in the same --  
4 I'm putting, you know, more eggs in the same basket to  
5 use the analogy of now everything is again dependent on  
6 the -- the completion of the ministerial work that we're  
7 doing with Flood Control District and department of  
8 transportation.

9 I need the options, right, to maintain this  
10 project alive. So, or I need more baskets to spread my  
11 eggs. Pardon the analogy.

12 MEMBER PALMER: I get the analogy. I guess what  
13 we're as a Committee trying to weigh the eggs that are  
14 also impacting somebody else's basket. And his ability  
15 to do business. That's -- that's what we have to weigh.

16 MR. DA CUNHA: Right. And we will do our best  
17 to demonstrate, Committee member, that we are doing  
18 everything in, you know, possible to -- to not cause  
19 irreparable detriment to Mr. Martori's operations.  
20 Including the airstrip, the beehives, so and on.

21 And worth mentioning, Alternative B is not our  
22 preferred. Our preferred is A. As we've jointly filed  
23 the stipulation with intervenor's counsel that we will  
24 work very hard on building it.

25 After all, it is in our interest to build a

1 short, least expensive route. There's nothing for us to  
2 be gained building more expensive alternative. We don't  
3 want that. It is really, you know, if all fails, we have  
4 to have an option to complete this project and deliver  
5 power and so on.

6 MEMBER HAMWAY: This is probably a legal  
7 question, but you know, you've mentioned that we approved  
8 CECs which come with lines which come with corridors  
9 already. So are we overlaying on top of other people's  
10 corridors and is there -- I just don't understand where,  
11 what was it, Sunwest or what was --

12 MS. GRABEL: HV Sunrise.

13 MEMBER HAMWAY: I don't know where that's going  
14 to come, and I've always wondered, and this is Patty's  
15 question, that how long does a corridor stay encumbered  
16 with these CECs.

17 And if you've got multiple corridors that are on  
18 top of each other, I guess that's my question. I don't  
19 know if that's what's happening here is or is it  
20 something that's happening here.

21 MS. GRABEL: Mr. Chairman, Member Hamway, I  
22 don't -- I believe that HV Sunrise, I'm going to ask Mr.  
23 da Cunha, Mr. da Cunha, does HV Sunrise overlap a portion  
24 of our requested corridor around the Delaney Substation  
25 area?

1 MR. DA CUNHA: Yes, it does, and fortunately we  
2 have a very cooperative working relationship with  
3 HV Sunrise. Mr. Garlinghouse and Mr. Lynch, we've been  
4 cooperating, collaborating, helping each other to the  
5 extent possible. So, yes, it would overlap and we're  
6 making a concerted effort to make room for both.

7 MEMBER HAMWAY: But what if, like, Recurrent,  
8 have we done anything for Recurrent? I mean, I remember  
9 that name. But honestly I cannot remember where we  
10 approved corridors.

11 MS. GRABEL: Member Hamway, I believe there's no  
12 overlap with respect to corridors for Recurrent.  
13 However, we did intervene as you recall in the Recurrent  
14 proceedings for the RE Papago project, and we had a  
15 condition that dealt with site control because we're  
16 still -- we anticipated we'd be running into those issues  
17 and we still have those issues.

18 I think legally an applicant for a CEC needs to  
19 take existing or planned developments into account, and  
20 so to the extent we had a transmission plan filing they  
21 needed to account for our project.

22 Similarly, theirs is an existing planned  
23 development, we have to take their projects into account.  
24 And so there is some sort of legal interaction that  
25 entities need to undertake even if they're competitive in

1 terms of the product that they're delivering.

2 MEMBER HAMWAY: Thank you.

3 MS. GRABEL: Sure.

4 CHMN. KATZ: Let me ask, does it make sense to  
5 go for five more minute or just pick back up -- five or  
6 ten minutes max or pick back up --

7 MS. GRABEL: Just pick back up tomorrow.

8 CHMN. KATZ: We could do that. Nine o'clock.

9 MS. GRABEL: Do you think you can get through  
10 the structures in five minutes, Mr. da Cunha?

11 MR. DA CUNHA: I've been told that I am quick.

12 CHMN. KATZ: Whatever you think.

13 MS. GRABEL: It's just a couple of slides.

14 MEMBER HAMWAY: I think structures are easy.

15 MS. GRABEL: Okay. Let's go through the  
16 structures.

17 CHMN. KATZ: That's fine.

18 MR. DA CUNHA: Where were we?

19 CHMN. KATZ: The slide with structures.

20 MR. DA CUNHA: There you go. So the next two  
21 slides will show a family of conceptual monopoles. This  
22 one is the single-circuit monopoles. It's conceptual.

23 Throughout the day, we've talked about all the  
24 type of structures that we may design, engineer, build  
25 along the gen-tie. It is in our interest to be cost

1 economic, so monopoles is the typically the way to go.

2 But once the gen-tie is built and we all go to  
3 the site to see what we've accomplished, you will also  
4 see A-frames and dead ends, arresters and turn  
5 structures, some of these turns may be actually two  
6 monopoles to make a turn. Sometimes even three monopoles  
7 to make a turn. Those are rare, but some of the turns  
8 that we're dealing here with are tricky.

9 You may also see some H-frames to lower the  
10 height of the line in some places.

11 You may see arms, you know, the booms. These  
12 things here. Facing one or the other for technical  
13 engineering, land usage considerations. You may also see  
14 across the top of these poles optical wires,  
15 communication wires.

16 So what are we showing here on the screen is  
17 conceptual design of single poles, you know, most of the  
18 poles will look a lot like that. And then the exceptions  
19 in there.

20 Notably, you know, the 220-foot pole may be  
21 specialized to make that jump over to 500kV lines. Then  
22 to jump over the Harquahala-Hassyampa line if we go over  
23 it, that line alone, Mr. Knox, I believe it's already  
24 187 feet; right?

25 MR. KNOX: Yes.

1 MR. DA CUNHA: So probably that jump will be a  
2 specialized monopole. So conceptual single circuit  
3 monopoles.

4 And the next one, the last thing I think for the  
5 day, same story, but this is for double circuits. Now  
6 the double circuits is that approximately 4.5 miles from  
7 the Harquahala Power Plant to Delaney is a straight shot.

8 I think this is what we're going to see most  
9 often. If it's not this configuration, it's something  
10 close to it. The crossing over the flood retardant  
11 structure, it doesn't seem that is, you know, technically  
12 challenging crossing. So should be easy.

13 The only one that may be somewhat different here  
14 of this conceptual is the last one or one or two before,  
15 approaching the Delaney Substation where our conductors  
16 will veer north into Delaney and the Harquahala-Hassyampa  
17 will continue southeast towards Hassyampa. So that may  
18 be a family of poles that are slightly different than the  
19 ones we're seeing here on the screen. But otherwise this  
20 is what the majority, the bulk of the poles will look  
21 like.

22 MEMBER HAMWAY: They're not wooden, of course.

23 MR. DA CUNHA: No.

24 MEMBER HAMWAY: Are they steel? Do you let them  
25 rust? Do you paint them? What do you do?

1 MR. DA CUNHA: Right. They'd be steel. They're  
2 treated. So unless if there is a defect in  
3 manufacturing, they don't rust.

4 The ones that are presently in Harquahala Valley  
5 are right now 20 years old, and they show no sign of  
6 rusted or detriment or material fatigue. They're built  
7 to last 30, 40 years plus, you know, these lines are  
8 engineered to last. Made in America, ma'am.

9 CHMN. KATZ: Let me just ask Ms. Grabel, are  
10 these two slides part of MEC-1?

11 MS. GRABEL: Yes, they are.

12 CHMN. KATZ: And do we know what slide number  
13 they are just for the record? I don't need to go looking  
14 at it, but in case the public or the Commission wants to  
15 know.

16 MS. GRABEL: We will look that up. I don't know  
17 off the top of my head.

18 CHMN. KATZ: That's fine.

19 MS. GRABEL: It's in Exhibit G to the  
20 application. I'm not sure exactly what pages.

21 CHMN. KATZ: Exhibit G to the application. All  
22 right. We do stand, then, in recess for the actual  
23 hearing, formal hearing, until 9:00 a.m. tomorrow.

24 (Recess from 4:40 p.m. to 5:38 p.m.)

25 CHMN. KATZ: I'm going to go back on the record



1 for just about 30 seconds. I've checked with our IT  
2 staff, and we don't have anybody that is virtually  
3 appearing. There was a "Brian iPhone," and we tried to  
4 text them or chat with them, and they just left the  
5 hearing. And there aren't any members of the public here  
6 now.

7           And it is about 5:38 or :39. We're going to  
8 recess till nine o'clock tomorrow morning. Everybody  
9 stay safe, have a good dinner. Don't work too hard; get  
10 a little bit of sleep anyhow. We'll see you tomorrow  
11 morning.

12           (The hearing recessed at 5:37 p.m.)

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15 Dated at Phoenix, Arizona, this 28th day of October,  
16 2022.

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