

1 BEFORE THE ARIZONA POWER PLANT LS-255
 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 25, 2022
 12 Filed: October 28, 2022

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 14 REPORTER'S TRANSCRIPT OF PROCEEDINGS
 15 VOLUME II
 (Pages 147 through 261)

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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 9:04 a.m. on the 25th 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

16

17 APPEARANCES:

18 For the Applicant:

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24 For Intervenor Courthouse Ag Holdings, LLC

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1 CHMN. KATZ: Good morning, everyone. I think we
2 have the same group of folks assembled today as we did
3 yesterday. And I saw Rick Grinnell a moment ago, now I'm
4 seeing Karl virtually, and it's the same people on the
5 Committee that were here yesterday that are present now.

6 And I am ready to have us begin today's
7 evidentiary presentation. If either counsel has any
8 preliminary matters that they wanted to put on the
9 record, we can do that now or later, and then we can go
10 forward with the applicant's conclusion of its evidence.
11 And depending on how things end up rolling forward, the
12 intervenor may or may not be presenting additional
13 evidence. But we'll take it one step at a time.

14 Ms. Grabel, if you're ready to proceed, either
15 with bringing us up to date or just continuing with your
16 evidentiary hearing, please feel free.

17 MS. GRABEL: Thank you, Mr. Chairman, Committee
18 members.

19 After listening to testimony yesterday most
20 specifically about the landing strip and the impacts to
21 the landowner, and, again, that's something we just
22 learned about last Wednesday, and although we do think we
23 have solutions, we've decided that to accommodate the
24 landowner and especially not disrupt his aviation
25 activity that we will withdraw our request for

1 Alternative B and instead pick up their Alternative B1
2 and B2.

3 So what we'd like to do is walk through the
4 environmental portion of the presentation and put a
5 little bit of evidence into the record. Those are both
6 in the general area. We did study those routes. They
7 were alternatives evaluated. And so we will put
8 testimony in the record regarding those alternatives as
9 well, of course, as Alternative A which is our preferred
10 route.

11 So if that's something the Committee is
12 comfortable proceeding with, I think that's how we'd like
13 to continue.

14 CHMN. KATZ: I don't think there's any
15 objections. It's my understanding that we have a
16 situation in which B1 and B2 would be on the same land,
17 in effect, the same landowner as the proposed B?

18 MS. GRABEL: B1, Mr. Chairman, is on the same
19 landowner, exactly. So that individual, of course, has
20 notice of these proceeding.

21 B2 is actually on area that we already have
22 options for for the solar facility, and so that shouldn't
23 impact any additional landowners either.

24 CHMN. KATZ: Right. And it's all within the
25 same general vicinity, and I don't think there's any need

1 for a refiling of a new application and starting this
2 process from scratch.

3 MS. GRABEL: I certainly concur, Mr. Chairman.
4 The statute actually also talks about routes identified
5 during the hearing, and, of course, these routes were
6 identified by the intervenor and filed. There's been
7 testimony presented, at least filed in the matter to
8 date.

9 CHMN. KATZ: Agreed. And the public did have
10 more than an ample opportunity to appear in virtual
11 tours -- not virtual tours, but virtual open houses. And
12 no members of the public appeared in person or virtually
13 to protest this gen-tie line under either Alternative A
14 or B or anything within that vicinity. So I'm
15 comfortable in going forward.

16 Do any of the Committee members have any
17 concerns about proceeding?

18 (No response.)

19 CHMN. KATZ: Hearing silence, we'll go ahead and
20 hear the rest of the testimony, and then we'll figure out
21 where we're at.

22 MS. GRABEL: All right. Thank you very much,
23 Mr. Chairman. As I said, I think we'll fast forward our
24 presentation a little and start with the environmental
25 portion.

1 We'll then do the virtual tour. A, of course,
2 will remain the same. B is going to be slightly
3 different. We can't go back and do a virtual tour of the
4 routes that we didn't take pictures of, but we can show
5 the second leg and talk generally about what B1 and B2
6 are like.

7 And then we'll go back through the compliance
8 slides in the end, and hopefully that will be a wrap.
9 But we'll see what the intervenor wants to do.

10 So on the environmental panel, we have
11 Mr. Richard Khot -- I mean Mr. Knox, I'm sorry
12 Mr. Richard Knox. As well Mr. Milind Khot, who I believe
13 is appearing virtually. Mr. Khot was our EMF expert, and
14 obviously the need for testimony about the EMF impact on
15 bees is now obsolete. So he will just perhaps give a
16 very high-level discussion of the EMF impact of 500kV
17 projects. But let's go ahead. Mr. Khot, are you on?

18 MR. KHOT: Yes, I am.

19 MS. GRABEL: Okay. Will you please state your
20 name and business address for the record?

21 MR. KHOT: My name is Milind Khot. My address
22 is 111 Dunsmuir Street, Vancouver, Canada.

23 MS. GRABEL: By whom are you employed and in
24 what capacity?

25 MR. KHOT: I am a consultant with the Wood

1 Engineer. And I'm specialist in extra high voltage and
2 ultra high voltage transmission lines.

3 CHMN. KATZ: I don't know if there's anything we
4 can do to improve the voice. It's hard to hear.

5 MS. GRABEL: Mr. Khot, could you perhaps speak a
6 little bit slower and louder?

7 MR. KHOT: Is that better?

8 MS. GRABEL: Yes.

9 CHMN. KATZ: That's much better. And would you
10 spell your name for the benefit of our court reporter?
11 First name and last name.

12 MR. KHOT: My first name is Milind M-i-l-i-n-d,
13 and last name is Khot, Khot, K-H-O-T. And my address is
14 111 Dunsmuir Street, Vancouver, Canada. And I am a
15 specialist in overland transmission lines with Wood,
16 specialized in extra high voltage and ultra high
17 transmission lines.

18 MS. GRABEL: Thank you. And if you would please
19 turn to Exhibit MEC-13 which is the testimony summary of
20 Millind Khot. Have seen this document before?

21 MR. KHOT: Yes.

22 MS. GRABEL: Was it prepared by you or under
23 your direction and control?

24 MR. KHOT: Yes, it was.

25 MS. GRABEL: Thank you. With that, I'd like to

1 move the entry of Exhibit MEC-13.

2 CHMN. KATZ: It will be admitted.

3 MS. GRABEL: Thank you. So Mr. Khot is on the
4 environmental panel. I just wanted to bring him in as a
5 witness. You probably want to swear him in or affirm
6 him.

7 CHMN. KATZ: Do you prefer an oath or an
8 affirmation?

9 MR. KHOT: An affirmation, please.

10 CHMN. KATZ: Raise your hand. You don't need to
11 stand up or anything.

12 (Milian Khot was duly sworn or affirmed by the
13 Chairman.)

14 CHMN. KATZ: Thank you.

15 MS. GRABEL: All right. Thank you. And with
16 that, we'll begin our environmental panel.

17

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1 MARCUS DE CUNHA, RICHARD KNOX, and MILIND KHOT,
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. And, Mr. Knox, I believe you kick it off on
10 page 25 of the presentation if we can fast forward to
11 that. All right. Mr. Knox, please continue.

12 A. (MR. KNOX) Good morning. Good morning,
13 Committee members, Chairman Katz.

14 My name is Richard Knox. I want to introduce
15 you to the team that has performed environmental studies
16 associated with this project. We, Wood Group,
17 subcontracted with Western Resources, and on the
18 archeological side we have Dr. Jocelyn Bernatchez. And
19 on the biological we have Dr. David Cerasale. If they're
20 required to provide testimony this morning, they can do
21 so. You've heard from Milind Khot just recently. And we
22 have Mr. Robert Allen, he's with ARK, and he's prepared
23 to speak to AC interference, potential AC interference
24 associated with the project.

25

So during this brief presentation, we'll discuss

1 the siting study that was employed during the project.
2 We'll speak to land use resources within the study area,
3 impacts associated with visual resources, biological
4 resources, hydrologic resources, and cultural resources.
5 And we'll conclude with EMF, electromagnetic fields, as
6 well as noise characteristics associated with the
7 project.

8 So the siting study began in the early part of
9 2020. The goal of the siting study was to identify a
10 route between the solar array and Delaney Substation.
11 Over the course of the two and a half year siting study,
12 we evaluated over 80 miles of alternative routes.

13 And one of the first steps that we began in this
14 siting study was the analysis of existing and planned
15 land uses in the study area. We conducted opportunities
16 and constraints analyses associated with those existing
17 and planned land uses, and then we compared and ranked
18 the alternative routes. And then we presented those
19 alternative routes to the general public, stakeholders,
20 and agencies during the siting study.

21 What I'd like to do now is walk you through a
22 couple of maps that speak to the land use evaluation. So
23 what you see here is land ownership and jurisdiction map
24 as well as land uses.

25 Here is Alternative B and here is Alternative A

1 with A1 right here. And you can see that there is a
2 patchwork of Arizona State land -- department land here.
3 This area right here is Flood Control District fee land
4 right in through here.

5 We also have Bureau of Land Management land.
6 This hatch pattern right here is the Bureau of Land
7 Management, Saddle Mountain Recreation Area, so this is a
8 designated recreation area. Of course, we have
9 Delaney -- Delaney Substation here. The Harquahala Power
10 Plant right here. And then we have the S13 siting area
11 here, and S17 is right here.

12 Existing land uses within the study area
13 included existing 500kV transmission lines. There are
14 two 500kV transmission line here. It's Sun Valley 500kV
15 transmission line, as well as the Devers-Palo Verde
16 transmission line. And then this third existing
17 Harquahala to Hassyampa 500kV transmission line that goes
18 down there and connects with Delaney. It continues
19 another 15 miles in to the PVNGS hub. Additionally,
20 there are 69kV subtransmission lines throughout the study
21 area and distribution lines.

22 Also notable, existing land use is the
23 Saddleback FRS in which Alternative A parallels on the
24 west side for approximately two and a half miles.

25 Other existing land uses include a cluster of

1 homes in this area, and then there's a few rural
2 residences in this area. The residences that we
3 identified during our field investigation are mapped with
4 a red star on the map. There are approximately 25 rural
5 residences within the study area.

6 The study area was defined as two miles from any
7 alternative route evaluated. And all alternative routes
8 evaluated were noticed; the landowners were noticed
9 within that two-mile distance. So it's four miles on
10 either side, so it's two miles either side of the
11 alternative. So four miles total from the center line of
12 the proposed route.

13 Notable future land uses include a number of
14 planned utilities, solar projects. This is in the brown
15 color that comes this way is the Papago solar project.
16 And then we also have the Harquahala Valley Sunrise
17 project that Marcus da Cunha spoke about yesterday as
18 well as the Papago.

19 Up in this area, this is all State land up and
20 through here. There is a State land application for a
21 utility scale solar project up in through here. And then
22 of course our -- this red outline right here is the
23 Maricopa Energy Center project. This is the solar array
24 in the red outline right in through here.

25 Q. Mr. Knox, if I could interrupt you momentarily.

1 Are there any residences located at Alternatives B1
2 or B2? At or near, I should say?

3 A. (MR. KNOX) So there is one resident. He's
4 located right here. So the B2 alternative starts
5 approximately Camelback Road and comes down Harquahala
6 Valley Road and then comes over right here on this --
7 this is Arizona State Land Department half section right
8 in through here and then it continues over.

9 So this is the B2 route right here. So there is
10 a resident right there. And that's a half mile -- would
11 be a half mile away from the project.

12 So over my 26 years of experience doing this
13 work, visual resource analysis is -- is what I'm good at.
14 It's what I've done. It's the work that I've done over
15 the last two and a half decades.

16 And we'll discuss this star. This is the
17 nearest resident to the S17 substation. This resident
18 right here is approximately 700 feet south of the S17
19 substation, and we have a visual simulation of that
20 resident 700 feet south.

21 Back to this resident right here. From a
22 distance of approximately half a mile away, and if you --
23 if you turn to the visual section, if you turn to
24 Exhibit E in the CEC application, we've included
25 photographs of the existing Harq-Hass 500kV lines at

1 different distance zones. And those distance zones are
2 300 feet, quarter mile, and a half mile, and then a mile,
3 and two miles.

4 You will see in those images, and we did not
5 develop a simulation from this resident here only because
6 we're discussing now, but you will see in those images at
7 a half mile away, you can hold a toothpick up and it
8 would cover the -- it would block out the 160-foot
9 structure. So it's a representative impact level for
10 this resident. I hope that answers your question.

11 MS. GRABEL: Yes, thank you.

12 CHMN. KATZ: And just on S17, that's an already
13 existing substation; correct?

14 MR. KNOX: There's an existing home right there,
15 yep.

16 CHMN. KATZ: And there's an existing substation?
17 It's not one to be built in the future?

18 MR. KNOX: The S17 switchyard right here would
19 be built in the future. It's been simulated.

20 CHMN. KATZ: There's nothing there now? Okay.

21 MR. KNOX: There's nothing there now. That's
22 correct.

23 MEMBER GRINNELL: Mr. Chairman.

24 CHMN. KATZ: Yes, Member Grinnell.

25 MEMBER GRINNELL: Before we advance any farther

1 here, Ms. Grabel said they were withdrawing option B.
2 And yesterday's testimony revealed that there was some
3 concerns with competitors. And going with option A1, I
4 mean, this has been so convoluted, I'm trying to
5 decipher.

6 Can somebody just lay out the path of this new
7 alternative that was proposed today and how it's going
8 to -- just outline where it's starting and where it's
9 going?

10 CHMN. KATZ: And, again, just to make sure
11 Alternative A, which is the preferred alternative, isn't
12 being withdrawn, but they would only consider the B1 and
13 B2 options in the same location as the original -- near
14 the same location as the original B. But I'll have
15 Ms. Grabel, if she can clarify the route.

16 MS. GRABEL: Certainly. Thank you,
17 Mr. Chairman.

18 Member Grinnell, yes, so the alternatives that
19 we are adopting were those that were proposed by the
20 intervenor in his testimony. If you look at the
21 testimony of Harold Hughes, he identifies two proposed
22 routes.

23 We do have difficulties with those routes, but
24 it's a risk that we're willing to take given the impact
25 here. We have evaluated both alternatives and believe

1 Mr. Knox is prepared now to identify the two routes, B1
2 and B2 on the slide that he has up.

3 BY MS. GRABEL:

4 Q. So, Mr. Knox, perhaps it would be helpful for
5 Member Grinnell if you maybe highlight our alternative B
6 that we are withdrawing, and then B1 and B2, and show how
7 it's really generally the same, but essentially moves the
8 route to the west by one mile or two miles depending on
9 the alternative.

10 MEMBER GRINNELL: Okay. And to that end, there
11 was discussion yesterday about competitors not willing to
12 support this project. I'm looking through all the stuff
13 again last night, and I'm like, I think I'm more confused
14 now than I was before we started.

15 And I want to identify where your competitors
16 are that's going to -- you're saying there's a barrier
17 here to these B1, B2 or A.

18 Can you just point out on the map where these
19 barriers are and reiterate what it was, and the challenge
20 you're going to have to overcome?

21 MS. GRABEL: Certainly.

22 BY MS. GRABEL:

23 Q. So, Mr. Knox, let's fist start with RE Papago,
24 that project. There are two solar and storage projects
25 in the area with whom we're competing for land space, and

1 there's a third developer who's now buying land. So
2 let's start, Mr. Knox, can you just highlight where RE
3 Papago is on this map?

4 A. (MR. KNOX) And we have -- can we -- okay.
5 Never mind. This brown, it's labeled RE Papago. It's
6 this brown color that comes down through here and then
7 comes over through here. This is the RE Papago. And our
8 interconnect is right here.

9 Q. And they own land, correct me if I'm wrong,
10 Mr. Knox, that impacts a portion of our Alternative A;
11 correct?

12 A. (MR. KNOX) That's correct. In that land,
13 there's about eight acres of land right to the west of
14 Delaney Substation right there.

15 Q. We then have the HV Sunrise project, if you'll
16 highlight where that is in this area.

17 A. (MR. KNOX) It's this project here in kind of
18 purple color.

19 Q. And although they're competitive projects,
20 Member Grinnell, they're working pretty cooperatively
21 with us in terms of negotiating route path; is that
22 correct?

23 A. (MR. KNOX) Yes.

24 Q. Okay. And then the third area in which we have
25 another solar or generation project purchasing land is in

1 which area?

2 A. (MR. KNOX) So it's west of the Martori
3 property. It is these four, five sections right in
4 through here.

5 Q. Okay. And so I think Member Grinnell is asking
6 about yesterday, we made it clear that they have so far
7 said they will not give us an option on those lands, and
8 we are now agreeing to adopt routes that kind of take
9 that risk on. Is that correct?

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

11 Q. Why are we willing to do that?

12 MR. KNOX: Do you want to speak to options?

13 MS. GRABEL: Yes, Mr. da Cunha, please.

14 A. (MR. DA CUNHA) Good morning, all. Well,
15 options on land, they come and go like ours did. So our
16 position here is that this new tenant with our own
17 landowner either may change their mind in the future and
18 collaborate with us. Or perhaps their option will also
19 expire in the future and we may have an opportunity to
20 reoption that land again.

21 MS. GRABEL: Does that answer your question,
22 Member Grinnell?

23 MEMBER GRINNELL: Yeah. It just seems like
24 there's a big threshold that needs to be addressed by
25 whomever here. I've just got to be honest, we're putting

1 the cart before the horse here.

2 CHMN. KATZ: But if I might intervene, we do
3 that in almost all of these hearings because there are
4 permits to be acquired, rights of way to be acquired.
5 And if they can't get options for leases or purchases of
6 the land they need, then the project won't get built.

7 MEMBER GRINNELL: I respect that, Mr. Chairman,
8 but I am -- we're spending a lot of time and energy here,
9 and I just want to make -- I don't want to spend time
10 doing stuff that is not going to be a realistic
11 opportunity for success. I just -- that's -- I have a
12 big concern with that. That's all.

13 CHMN. KATZ: I completely appreciate that.

14 MEMBER GRINNELL: Thank you, sir. Thank you,
15 Ms. Grabel.

16 MS. GRABEL: Certainly.

17 BY MS. GRABEL:

18 Q. Mr. Knox, will you go ahead and continue with
19 the alternatives evaluated?

20 A. (MR. KNOX) Absolutely. So before we go to the
21 alternatives evaluated, just quickly I want to present
22 this map. This is an opportunities and constraints map.
23 It's fairly typical in siting studies in which early on
24 we identify opportunities to site the project.
25 Opportunities would include existing linear features, and

1 we also identify constraints. A constraint would be
2 steep topography or flood plains, for example,
3 specifically related to switchyards and the solar array.

4 On this map, there are three colors, high
5 constraint, medium constraint, and low constraint. And
6 you'll see that the reds are high constraint area. They
7 include this rural residential area here, rural
8 residential here. Include -- high constraints include
9 proposed planned utility scale solar projects up in
10 through here.

11 And low constraints -- or, I'm sorry, moderate
12 constraints on our constraints analysis was limited to
13 flood plains. The flood plains are in through this area
14 here and also on the east side of the Saddleback FRS.

15 Based on the opportunities and constraints that
16 was based on the land use analysis, we identified
17 alternative routes that would meet the purpose and need
18 for the project. You'll notice these gray boxes. These
19 gray boxes all represent switchyard siting areas. They
20 start with S1 down here and they run up to S13 towards
21 Camelback and things.

22 The reason why we were looking at switchyards
23 and alternative routes, there are a number of alternative
24 routes that we looked at in through this southern area
25 here, is because at the time in which we began the siting

1 study, the project covered a much larger area.

2 And the project currently is around 4,000 acres.

3 The project that we received a comprehensive -- major
4 comprehensive plan amendment from Maricopa County back in
5 2020 included 11,300 acres.

6 So the solar footprint changed size over time,
7 and we adjusted the siting study. And now we're focused
8 up here on the north in this S13 siting area and routes
9 associated with alternative Route A. And this is
10 alternative Route B right here.

11 It should be noted that right here where it says
12 S13, this is Mr. Harold Hughes' B1 substation. So we
13 evaluated the B1 substation. We also evaluated this
14 alternative route B1 in through here into Harquahala
15 Power Plant and to Delaney. This was evaluated in our
16 siting study previous to engagements associated with
17 Courthouse Ag.

18 If we go one mile to the west, this is
19 Harquahala Valley Road. Mr. Harold Hughes' B2 substation
20 is located in this area. We did evaluate this gen-tie
21 route as well during our siting area.

22 So both the B2 and the B1 switchyard areas as
23 well as their associated gen-ties were evaluated previous
24 to discussions that we had with Courthouse Ag.

25 I'd now like to spend just a couple minutes on

1 the visual resources component. The visual resources
2 component identified two existing sensitive viewers in
3 which impacts were assessed. The existing sensitive
4 viewers include residences, which is each one of these
5 red stars throughout the study area as well as the Bureau
6 of Land Management designated Saddle Mountain Recreation
7 Area.

8 And what you'll notice along Alternative A,
9 you'll see these different colors, you have orange and
10 yellow and then you have green down in through here and
11 green all the way into Delaney Substation. And then on
12 alternative Route B, you have mostly all green. You have
13 light green in through here and then green into Delaney
14 Substation. On the key, you'll see impact levels
15 associated with these -- with these colors. We have very
16 high to very low impacts.

17 This resident right in through here that we'll
18 show you a simulation for received the highest level of
19 visual impact because it's closest to the proposed
20 alternative Route A.

21 Like to discuss the simulation that we developed
22 from the nearest resident. Here's the home right here.
23 This is the angle of view right here. The distance is
24 690 feet, 700 feet, from S17 switchyard yard. And we
25 have the gen-tie coming out of the switchyard and heading

1 east along Salome Highway. The top view is a few of the
2 existing visual setting, and you'll see the existing APS
3 69 line right in through here. And you also see on top
4 of -- this is Burnt Mountain right in here that Mr. da
5 Cunha had spoken about yesterday, Burnt Mountain. And
6 right on the top of Burnt Mountain, there's a number of
7 communication facilities as well.

8 Right in through here, this white line right
9 here is the Central Arizona Project canal in the
10 background as well. You'll see it's in a
11 creosote-bursage natural setting.

12 The simulation at the bottom is a simulation of
13 the S17 switchyard. You'll see the 75-foot A-frame right
14 in through here. You'll also also see the chain link
15 fence around the switchyard area.

16 And in addition to that at this location, these
17 poles -- after completing engineering and designing on
18 this route, these poles are approximately 160 feet high,
19 and you see that they cross over Salome Highway right
20 here. And it heads in an east direction along Salome
21 Highway where then it makes a southeast turn along the
22 Saddleback FRS.

23 MEMBER LITTLE: Mr. Chairman?

24 CHMN. KATZ: Yes, ma'am.

25 MEMBER LITTLE: Did you have conversations with

1 the people that live in that residence or have any
2 contact from them?

3 MR. KNOX: We did not. They received the
4 notifications to the public meetings, and they were not
5 present at the public meetings.

6 MEMBER LITTLE: Thank you.

7 MR. KNOX: This next simulation is from the
8 other sensitive -- existing sensitive viewer that we
9 identified. This is the BLM Saddle Mountain dispersed
10 camping area. This is Courthouse Road. This is the
11 angle of view. This white, Delaney Substation. It is
12 approximately one mile from Delaney Substation to
13 Courthouse Road.

14 And you'll see at the top, this is the existing
15 view. Again, we have, this is Burnt Mountain right here.
16 And you'll see that there's the existing lattice
17 structures associated with the Sun Valley and the
18 Harquahala-Hassyampa 500kV line which is just south of
19 Delaney Substation. And back in through here, almost off
20 the screen is the Harquahala Valley Power Plant.

21 The simulation, and your eyes are not deceiving
22 you, but this simulation should look a lot like the
23 existing visual setting. And the reason for that is I
24 had alluded to earlier on is that at a distance of half
25 mile to a mile, you can hold a toothpick up and you can

1 cover a 160-foot structure with a toothpick.

2 So this bottom image, the proposed project has
3 been simulated, and if you zoom right in, you'll see the
4 project simulated. But at this distance, which is mile,
5 a little over a mile, the transmission structures are
6 virtually impossible to see.

7 We wanted to include an existing high voltage
8 switchyard. This is a high voltage switchyard that is
9 located near Palo Verde nuclear generating station.

10 This square feature in the back is Arlington
11 Valley. This is a natural gas generator right here, so
12 this is not associated with the switchyard.

13 The switchyard are these features right here.
14 And you can see the A-frame approximately 75 feet high,
15 and then you see the gen-tie interconnect with poles that
16 are similar to what the project would have right in
17 through here. So it's a typical image of a high voltage
18 switchyard associated with a utility scale solar project.

19 I'd like to quick move you through a couple of
20 slides on the biological, hydrological, and cultural
21 resource studies that we employed throughout the siting
22 study.

23 So, again, Westland Resources was our
24 subcontractor. They conducted all the biological
25 evaluations associated with field reviews, writing

1 reports.

2 We coordinated with Arizona Game and Fish
3 Department. That is that letter from Arizona Game and
4 Fish Department associated with this project is in
5 Exhibit J. If you want, it's from Andrew Cavalcant with
6 Arizona Game and Fish Department, "No federally listed
7 species or state species of concerns or their associated
8 habitat will be impacted with the project."

9 Related to hydrologic resources, we did complete
10 a jurisdictional determination along the -- shall I wait?

11 CHMN. KATZ: Just wait a minute. We can
12 continue.

13 MR. KNOX: Okay. So Westland Resources
14 completed a jurisdictional determination along all
15 alternative routes. There are drainage-ways near Delaney
16 Substation that will not be impacted.

17 One of the key characteristics of the
18 transmission line, I'm sure you folks know, is its
19 ability to span sensitive areas, whether they're cultural
20 or biological or drainage-ways. And so we will not be
21 impacting any drainage-ways along any of the routes.

22 And, finally, related to cultural resources,
23 again, Westland Resources completed the class I
24 literature review. The class III, we completed a
25 pedestrian survey. The class III has been reviewed by

1 SHPO associated with Arizona State Land Department and
2 private land. And no historic or prehistoric sites
3 identified that are eligible for listed in the National
4 Register of Historic Places will be impacted.

5 It should be known that there was one site that
6 was identified, previously identified, by Dr. Gene Rogge
7 back in 2000 when the existing Harq-Hass line was
8 constructed. This site is east of the Saddleback FRS,
9 and this site will not be impacted by the proposed
10 project.

11 MEMBER LITTLE: Mr. Chairman.

12 CHMN. KATZ: Yes.

13 MEMBER LITTLE: Would you -- I'm hearing you say
14 that this project will not impact that site. I had
15 highlighted a place in the application where it said that
16 if possible the site should be avoided by designing
17 structure locations to be outside the site boundary.
18 So --

19 MR. KNOX: That's correct.

20 MEMBER LITTLE: And they will be -- the
21 structures will be located outside the site boundary?

22 MR. KNOX: That's correct, yep. The site has
23 been delineated, and it will be avoided.

24 MEMBER LITTLE: Thank you.

25 MR. KNOX: Now, we just wanted to share with you

1 a couple of characteristic photographs associated with
2 the biological resources -- oops.

3 The top left picture is taken just west of
4 Delaney Substation. It's in creosote-bursage desert.

5 This picture on the right was taken facing the
6 existing Harquahala-Hassayampa 500kV line. Again, you can
7 see sparse vegetation and a creosote-bursage. This
8 landscape type is primarily east of the Saddleback flood
9 retardant structure.

10 To the west of this Saddleback flood retardant
11 structure is mostly ag land, and you can see that in this
12 photograph right here. And Saddle Mountain is in the
13 back right here.

14 Characteristic hydrologic drainage features in
15 the study area include canals adjacent to ag lands. This
16 top left picture, we have drainage-ways, again,
17 associated with agriculture production. And then we have
18 these -- these small channels associated in the eastern
19 portion of the study area. And this is the -- this is an
20 ephemeral wash. This is east of the Delaney Substation.
21 These ephemeral washes will be avoided. There'll be no
22 poles placed in these types of drainages.

23 And, finally, a few pictures during the class
24 III pedestrian survey. We photographed what was found
25 out there, primarily. And we have old footers and rebar

1 from past development. We have looks like an old piece
2 of a car part, a Ranch Wagon. Looks pretty dated there.
3 And then we have a gathering here of tin cans and glass
4 and things. So this is primarily what was found during
5 the class III cultural investigation.

6 And with that, I think we'll reintroduce
7 Mr. Milind Khot.

8 BY MS. GRABEL:

9 Q. Before we do, Mr. Knox, quickly, you went
10 through the environmental analysis that applied to the
11 project. Does that include -- does that analysis also
12 apply to the modifications we've made this morning
13 picking up the intervenor's routes B1 and B2?

14 A. (MR. KNOX) It absolutely does. As stated
15 previously, the study area -- so everything we looked at
16 was in the study area, whether it was biological,
17 cultural, visual resources, hydrologic resources within
18 two miles of any alternative evaluated. Biological
19 reports are included in the CEC application that
20 characterize those biological efforts.

21 The one thing, Ms. Grabel, that would need to be
22 completed for the B2 and B1 routes is the class III
23 pedestrian survey associated with cultural resources. We
24 did not complete the class III on those two routes. That
25 is something that can be undertaken.

1 MS. GRABEL: Thank you.

2 Does anyone have any questions for Mr. Knox
3 before we move to a probably brief presentation by
4 Mr. Khot on EMF?

5 MEMBER LITTLE: Mr. Chairman.

6 CHMN. KATZ: Yes, Member Little.

7 MEMBER LITTLE: Another thing that I noted in
8 the application was a suggestion that, if possible,
9 ground disturbance vegetation removal be avoided during
10 the breeding season for the migratory species. That
11 paragraph talks about avoiding it if possible, but that's
12 pretty long period of time, March 1 to August 31. And
13 then I guess doing a preconstruction nest survey seven to
14 10 days prior to the onset of construction, if it's done
15 during that period of time.

16 Is that something that the applicant has agreed
17 to do?

18 BY MS. GRABEL: Mr. Knox?

19 A. (MR. KNOX) That's correct. So preconstruction
20 surveys are standard with these types of operations. The
21 Migratory Bird Treaty Act is a federal act that requires
22 nesting birds between the early spring and late summer to
23 be conducted prior to -- prior to construction.

24 MEMBER LITTLE: Thank you.

25 MS. GRABEL: Thank you.

1 Mr. Khot, why don't you go ahead and address
2 briefly the EMF slides that we've put together, although
3 recognize you no longer need to do any comparison that
4 would affect Mr. Martori's property.

5 MR. KHOT: Okay. First slide, please.
6 Continue.

7 MR. KNOX: It's up there. It's the first slide.

8 MR. KHOT: Well, the slide that you see on your
9 screen is -- explains what electromagnetic fields are.

10 And on the left you'll see that there's a
11 bedside lamp plugged into a wall socket. And this -- the
12 electric field here is produced because of voltage.
13 Electric fields are exclusively a function of the
14 voltage.

15 And on the right side, you see that there's
16 current running through the wire. And magnetic fields
17 are exclusively a function of the current running through
18 the wires.

19 This is very similar to a water pipe -- water
20 pipe with a tap on the end. And so if the tap was
21 closed, you would see pressure inside the pipe, and all
22 the surface of the pipe experiencing an outward pressure.

23 If you open the tap, water flows out, and the
24 fluid that you see is the current. So the pressure
25 inside the pipe is like the voltage, and the flow is the

1 current.

2 As you can see, the unit of measurement is volts
3 per meter or kilovolts per meter. And the unit of
4 measurement for magnetic field is gauss. You can express
5 it in milligauss or as tesla, and it can be expressed in
6 microtesla. And the relationship is 10 milligauss
7 equals one microtesla.

8 As we see from these is that from transmission
9 lines or from any other source, as you move away from the
10 wires, the field falls away very rapidly, almost
11 exponentially, and it reaches ambient levels very
12 quickly. And the same applies to magnetic fields. So on
13 transmission lines, they are no different. The fields
14 are higher as you come closer to the wires. And you move
15 laterally away, the fields fall away very rapidly.

16 Next slide, please.

17 On this slide, it describes the -- shows the
18 various comparisons. When you use a microwave oven at a
19 very close distance of six inches, the field numbers are
20 really high, approximately 200 milligauss. Hair dryers,
21 which are very, very close to be held two inches away, 70
22 milligauss there. Electric ovens around half a foot away
23 is about nine milligauss.

24 And the household ambient wiring with all the
25 appliances that we use, the television and the other

1 appliances, this current runs through the wires in the
2 walls, and that ambient meaning it's generally about two
3 milligauss, between 1 and 2.

4 From existing 69kV and 12kV lines which
5 particularly in subtransmission and distribution load
6 lines, at a distance of 20 feet, the magnetic field is
7 approximately 20 milligauss.

8 And from the proposed 500kV line, the magnetic
9 field at a distance of 300 feet or 100 meters is quite a
10 bit lower to about three milligauss, which is just
11 slightly higher than the ambient household magnetic
12 field. So the distance of 100 meter or 300 feet is
13 really -- is almost the same as households.

14 Again, the electric field, same thing about is
15 distance of 25 to 30 meters, the electric field will fall
16 then all the way to ambient level.

17 So that's all I had on electric and magnetic
18 fields.

19 BY MS. GRABEL:

20 Q. And is it is your conclusion, Mr. Khot, that the
21 proposed 500kV lines would have basically no EMF impact
22 on the surrounding areas?

23 A. (MR. KHOT) That is correct. Most of the
24 analysis that we've done is based on the highest loading
25 on transmission lines, and we begin looking for a site

1 with the lowest emission, which is -- which is a
2 charitable case. And so that's where we are in the
3 process of doing that.

4 As we see, as Mr. da Cunha showed you yesterday,
5 the various size of structures that are proposed to be
6 used will have different field levels, and so the field
7 levels that we analyzed are from the highest
8 concentration.

9 Q. Thank you very much.

10 And I think the next slide dealt with the impact
11 of proposed -- our proposed Alternative B. Mr. Knox had
12 addressed it on Mr. Martori's property, and because
13 that's no longer on the table, we'll skip that.

14 So if you want to advance to the next slide
15 which I believe is public outreach, so Mr. Knox, please
16 continue.

17 Also if the Committee has any questions for
18 Mr. Khot?

19 (No response.)

20 MS. GRABEL: Hearing none, go ahead, Mr. Knox,
21 and continue.

22 MR. KNOX: Thank you, Ms. Grabel. So the public
23 participation plan, outreach plan was broad and
24 comprehensive over a two and a half year period. There
25 were three public meetings held for the project.

1 The first meeting was held in September of 2020,
2 and that was associated with a major comprehensive plan
3 amendment associated with the solar array and the battery
4 energy storage system. We identified the 500kV
5 transmission line component of the project during that
6 meeting.

7 We held two additional meetings in December
8 of 2021 and then our last, third meeting was held June
9 of 2022.

10 Notifications. We mailed 1,734 postcards that
11 identified the project, the schedule, and ways in which a
12 person could participate either through our website,
13 taking a questionnaire, or attending the virtual meeting.

14 These postcards were mailed in two different
15 methods. Landowners that were within 300 feet of a
16 proposed alternative route were mailed certified return
17 receipt postcards, and landowners that were beyond the
18 300-foot limit were mailed first-class mailing postcards.

19 We also advertised in the Arizona Republic, the
20 Gazette, a portion of the Arizona Republic two weeks
21 prior. Each one of those notifications occurred three
22 times prior to each meeting.

23 For all three meetings we had a total of 18
24 people attend the meetings. We had ten at the first
25 meeting, six at the second, and two at our last meeting.

1 Most all the comments that we received were
2 about employment opportunities, construction contracts.

3 We did have a request from Mr. Peter Steere of
4 the Tohono O'odham to be provided the cultural and
5 biological report in which Western Resources coordinated
6 with Mr. Steere on those reports.

7 There were also questions from Arizona Game and
8 Fish Department associated with the site configuration as
9 we had mentioned earlier. The site layout had changed
10 over the two and a half year siting study.

11 And, finally, and including Exhibit J, we have a
12 support letter from Harquahala Valley Irrigation
13 District. We do cross their canal at Salome Highway and
14 Saddleback flood retardant structure.

15 We have talked about the Courthouse Ag's comment
16 related to property values, visual impact, EMF crop
17 dusting. This presentation was put together before we
18 received comments last week associated with bees and also
19 the landing strip. So that's why those two items are not
20 included on this list.

21 And as I previously mentioned, in Exhibit J is
22 the complete scoping report that contains all
23 correspondences, all questions that we received, and how
24 these correspondence and questions were addressed during
25 the siting study.

1 These are the three postcards that were mailed.
2 The one on the left is associated with the major
3 comprehensive plan amendment, and you'll see that we have
4 identified the power line connection with Delaney
5 Substation. The one in the center is associated with the
6 December 2021 meeting in which four alternative routes
7 were presented to the public. And then the last postcard
8 right here was in the June 2022 meeting. All the
9 postcards have very similar information: a map of the
10 project, facts of the project schedule, and time and date
11 of the meeting, as well as ways to participate either on
12 our website or at the meeting.

13 This slide right here are the affidavits of
14 publication for each one of the three meetings across the
15 board. And then here we have an example of certified
16 return receipt. This one happens to have been been
17 signed by somebody associated with Courthouse Ag
18 Holdings.

19 We wanted to show the website visitor count here
20 over time. We have November 2021, so this is just before
21 the December meeting of last year. And this is July of
22 2022; this is just after the June meeting of this year.
23 There's approximately 1,500 hits on the website which
24 shows that people received the postcard and they accessed
25 the website.

1 This top picture right here is an image of the
2 virtual room during the public meetings where you could
3 get information on the schedule, proposed structures,
4 alternatives being evaluated. On the website we have
5 posted up the recordings of the meetings. We posted up
6 the PowerPoint presentations that were used during the
7 meeting. And additionally we have notification of when
8 the public meeting was and there's a way to send messages
9 via the website platform. And then there was also a
10 questionnaire that could be completed.

11 Upon completing the questionnaire,
12 acknowledgment of receipt of a received questionnaire was
13 sent to the sender of questionnaire. All the
14 questionnaires, folks that filled out the questionnaires
15 are in Exhibit J, and their questions and comments are in
16 Exhibit J. And responses to those questions and comments
17 are also included in Exhibit J, the scoping report for
18 the project.

19 MS. GRABEL: Thank you.

20 Does the Committee have any question for
21 Mr. Knox regarding public outreach.

22 MEMBER GENTLES: Mr. Chair, this is Member
23 Gentles.

24 CHMN. KATZ: Yes, Member Gentles.

25 MEMBER GENTLES: Ms. Grabel, how long will the

1 project site stay up?

2 MS. GRABEL: Member Gentles, do you mean the
3 signs regarding the project or the website?

4 MEMBER GENTLES: No, the website with the
5 virtual tour and virtual open houses.

6 MS. GRABEL: Thank you.

7 BY MS. GRABEL:

8 Q. Mr. Knox, for how long will the project website
9 be up?

10 A. (MR. KNOX) We intend to keep the website active
11 through construction, post-construction, until we're
12 directed by the applicant to take the website down.

13 MEMBER GENTLES: All right. Thank you,
14 Mr. Knox.

15 MS. GRABEL: Thank you.

16 Are we ready to move on to a different subject?

17 CHMN. KATZ: I think we can.

18 MS. GRABEL: With that, I think we'll turn back
19 to Mr. da Cunha and move through the compliance items.
20 So if we could go back to Slide 15 of Exhibit MEC-5,
21 which is our presentation.

22 And if the Committee would like, what we're
23 going to do is basically going to track the exhibits
24 found in MEC-6, most of which we have placed on
25 screenshot during -- in the presentation.

1 BY MS. GRABEL:

2 Q. So, Mr. da Cunha, you're still under oath, of
3 course.

4 Slide 15 is a screenshot of the notice of
5 hearing published by the chairman on September 13, 2022;
6 correct?

7 A. (MR. DA CUNHA) Yes.

8 Q. And the company was required to create and post
9 signage along the proposed routes displaying the content
10 of this notice; is that correct?

11 A. (MR. DA CUNHA) Yes.

12 Q. And that notice of hearing is found in
13 Exhibit MEC-6A; is that right?

14 A. (MR. DA CUNHA) Correct.

15 Q. Thank you. If you'll move to Slide 16.

16 So Slide 16, is this a screenshot of the content
17 of the signs that were created to provide notice to
18 passerbys regarding the hearing today?

19 A. (MR. DA CUNHA) Yes.

20 Q. And this slide is also contained -- or this
21 notice is also contained in MEC-6B; correct?

22 A. (MR. DA CUNHA) Yes.

23 Q. Great. And if you turn to Slide 17, this slide
24 demonstrates the location along the routes where the
25 signs were posted; correct?

1 A. (MR. DA CUNHA) Yes.

2 Q. And this is also found in MEC-6C; correct?

3 A. (MR. DA CUNHA) Yes.

4 Q. Will you please quickly walk through the
5 location of the signs posting for the Committee?

6 A. (MR. DA CUNHA) Yes. So there are the two, the
7 old routes, right, A and A1 still exist. We've placed
8 four signs along this area.

9 This part here in the middle that it is the
10 flood retardant structure does not have any pedestrian or
11 vehicular traffic, so there was no need to post signs
12 there.

13 But here along the Salome, Camelback, and then
14 farther down here along -- back again at Salome we posted
15 four signs.

16 And now looking at now being withdrawn, Route B,
17 we had posted a total of five signs, one here at the S13
18 switchyard area, two down 499th -- actually this is --
19 this is 500 -- this is 499th. Thank you. And to here,
20 east of the Harquahala Power Plant. Obviously these two
21 are still relevant, you know, for the new routes B1
22 and B2.

23 Q. Thank you. And is the landowner for the
24 signs -- or the landowner on which the signs are posted,
25 signs 7, 8, and 9, the same as the landowner that would

1 be impacted by new Alternative B1?

2 A. (MR. DA CUNHA) Yes.

3 Q. And for Alternative B2, that route is actually
4 on land that we currently have options for; is that
5 correct?

6 A. (MR. DA CUNHA) Correct.

7 Q. Thank you. So you turn now to Slide 18.

8 So the slide shows pictures of the actual signs
9 that were posted; correct?

10 A. (MR. DA CUNHA) Yes.

11 Q. And those photographs are also contained on
12 Exhibit MEC-6D; is that correct?

13 A. (MR. DA CUNHA) Yes.

14 Q. Are these signs large enough for passerbys to
15 see?

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

17 Q. Thank you. So if you'll turn to the next slide.

18 The procedural order that was filed by the
19 chairman required Maricopa Energy Center to locate copies
20 of the CEC application for public viewing on the Maricopa
21 County Board of Supervisors office, the public library in
22 Buckeye, and on the project website.

23 Did the applicant post the CEC applications in
24 those areas?

25 A. (MR. DA CUNHA) Yes.

1 Q. And the letters conveying the documents to these
2 respective locations are found in MEC-6E and F; is that
3 correct?

4 A. (MR. DA CUNHA) It is, yes.

5 Q. Did the applicant also provide copies of the
6 amendments to the application in these various locations?

7 A. (MR. DA CUNHA) Yes.

8 Q. Thank you. And if we can go to the next slide.
9 So pursuant both statute and the chairman's
10 procedural order, the company was also required to
11 provide notice of hearing to the affected jurisdictions
12 in this matter; correct?

13 A. (MR. DA CUNHA) Yes.

14 Q. And who are those jurisdictions?

15 A. (MR. DA CUNHA) Maricopa County and the Arizona
16 State Land Department.

17 Q. Great. And Exhibit MEC-6G shows that notice
18 that we sent to those jurisdictions along with return
19 receipts showing that they were received; is that
20 correct?

21 A. (MR. DA CUNHA) Yes.

22 Q. Thank you. If you'll go to the next slide.

23 The applicant was required to publish the notice
24 of hearing twice in a newspaper of general circulation
25 within a specified time period. This slide shows a

1 screenshot of the notice published in the Arizona
2 Republic on November 16 and 17.

3 Is it your understanding that such publication
4 conforms to the company's requirement?

5 A. (MR. DA CUNHA) Yes.

6 Q. Great. And MEC-6H contains the affidavits of
7 publication and the tear sheets for the notice that was
8 published in the Arizona Republic; correct?

9 A. (MR. DA CUNHA) Correct.

10 Q. Were all of the documents contained in MEC-6
11 compiled by you or under your direction and control?

12 A. (MR. DA CUNHA) Yes.

13 Q. Are the contents of Exhibits MEC-6, subparts A
14 through H, true and correct to the best of your
15 knowledge?

16 A. (MR. DA CUNHA) Yes.

17 MS. GRABEL: I'd like to move to admit MEC 6,
18 Mr. Chairman.

19 CHMN. KATZ: It may be admitted.

20 MS. GRABEL: Thank you.

21 BY MS. GRABEL:

22 Q. So if you could turn to the next slide. Thank
23 you.

24 So also pursuant to statute, an applicant for a
25 certificate of environmental compatibility must file a

1 ten-year transmission plan each January prior to its
2 application. Did Maricopa Energy do so?

3 A. (MR. DA CUNHA) Yes.

4 Q. All right. If you would please turn to
5 Exhibit MEC-7.

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

7 Q. Does MEC-7, which has two subparts, A and B,
8 contain the ten-year plans filed for this project in
9 January of 2021 and 2022 respectively?

10 A. (MR. DA CUNHA) Yes, it does.

11 Q. Were these documents prepared by you or under
12 your direction and control?

13 A. (MR. DA CUNHA) Yes.

14 Q. These documents were filed by Ellwood Land
15 Holdings; is that correct?

16 A. (MR. DA CUNHA) Correct.

17 Q. What is Ellwood's relationship to Savion?

18 A. It's a wholly-owned subsidiary of Savion.

19 Q. And is the the ten-year planned filed by Ellwood
20 identical to the project that Savion is presenting today?

21 A. (MR. DA CUNHA) Yes.

22 Q. Does Savion have all the rights to the project?

23 A. (MR. DA CUNHA) 100 percent.

24 MS. GRABEL: Thank you.

25 With that, I'd move to admit MEC-7.

1 CHMN. KATZ: MEC-7 will be admitted.

2 MS. GRABEL: Thank you.

3 BY MS. GRABEL:

4 Q. If you'll turn to slide 23, next slide.

5 So, finally, the applicant for a CEC is required
6 to pay a filing fee in varying amounts, in our case
7 \$1,000 to the Arizona Corporation Commission.

8 Did the applicant do so in this case?

9 A. (MR. DA CUNHA) Yes.

10 Q. And is that evidenced by the receipt shown on
11 this slide and also contained in Exhibit MEC-8?

12 A. (MR. DA CUNHA) Yes.

13 Q. Did you direct the payment of the filing fee?

14 A. (MR. DA CUNHA) Yes.

15 Q. And are the contents of this exhibit true and
16 correct to the best of your knowledge?

17 A. (MR. DA CUNHA) Yes.

18 MS. GRABEL: With that, I'll move to admit
19 MEC-8.

20 CHMN. KATZ: MEC-8 is admitted.

21 BY MS. GRABEL:

22 Q. The chairman's office sought input from the
23 Arizona Corporation Commission Staff relating to this
24 project; is that correct?

25 A. (MR. DA CUNHA) Was that to me?

1 Q. I said the chairman's office sought a letter
2 from the ACC Staff related to this project; correct?

3 A. (MR. DA CUNHA) Oh, yes, they did, uh-huh.

4 Q. And did Staff provide a letter?

5 A. (MR. DA CUNHA) Yes.

6 Q. And if you take a look at MEC-21, that is a copy
7 of the letter that Staff sent or docketed in this docket.
8 I believe Mr. Ancharski is handing it out now. What did
9 Staff say about the project?

10 A. (MR. DA CUNHA) One moment, please. Perfect.
11 Thank you.

12 Ms. Grabel, if I may, I'm going to read the
13 conclusion and recommendations. It is the second page of
14 the letter signed by Mr. Elijah Abinah, apologies for me
15 mispronouncing his surname.

16 It reads, "Based on Staff's review of the
17 application as well as the applicant's response to a
18 Staff-issued DR, Staff believes the proposed project
19 could improve the reliability and safety of operation of
20 the grid and the delivery of power in Arizona."

21 MS. GRABEL: Thank you. And that's all we have
22 for compliance.

23 MEMBER LITTLE: Mr. Chairman.

24 CHMN. KATZ: Yes, Member Little.

25 MEMBER LITTLE: Is it correct that MEC did not

1 provide a copy of the study? They just stated -- they
2 just responded to Staff's question about whether a study
3 had been done?

4 MS. GRABEL: Ms. Little, I believe that we sent
5 the system impact study to Staff.

6 MEMBER LITTLE: Thank you.

7 MR. DA CUNHA: We did.

8 MS. GRABEL: Are there any further questions on
9 the compliance items?

10 (No response.)

11 MS. GRABEL: The only thing that we have left is
12 the virtual tour, so I don't know if you want to move
13 into that or --

14 CHMN. KATZ: We've been going about an hour,
15 maybe a little bit over. If the virtual tour won't take
16 more than about 15 minutes or so, we can do that now.

17 Do you need a break, Jennifer.

18 THE REPORTER: I can wait 15 minutes.

19 CHMN. KATZ: Okay.

20 MS. GRABEL: I don't think it should take more
21 than 15 minutes.

22 CHMN. KATZ: Okay.

23 MS. GRABEL: All right. Mr. da Cunha, Mr. Knox,
24 you're kind of on the -- you're the ones doing the
25 virtual tour. So if we can look at -- did I move to

1 admit MEC-21, by the way, Mr. Chairman?

2 CHMN. KATZ: No, but it --

3 MS. GRABEL: May I do so?

4 CHMN. KATZ: It will be admitted.

5 MS. GRABEL: Thank you. The virtual tour is
6 contained in MEC-9, and it is in two parts. One for
7 proposed Route A and the second is proposed -- originally
8 proposed Alternative B. The first half of that tour is
9 no longer relevant because it's been withdrawn, but the
10 second half would be a portion of the Routes B1 and B2.
11 And we can address the rest of that route verbally.

12 MEMBER GRINNELL: Mr. Chairman.

13 CHMN. KATZ: Yes, Mr. Grinnell.

14 MEMBER GRINNELL: Before we get to the tour,
15 yesterday's discussion had questions about lines crossing
16 over each other, a 500 line crossing over each other.

17 Is this new proposal or this updated amendment,
18 are we going to see that potential conflict during this
19 flyover?

20 BY MS. GRABEL:

21 Q. Mr. de Cunha, would you answer that question?

22 A. (MR. DA CUNHA) Committee member, so this update
23 of the routes that we've established this morning, this
24 route would not cross over the existing or to-be-built
25 500kV lines.

1 Q. But, Mr. da Cunha, Alternative A does have
2 Alternative A1, which does contain crossings; correct?

3 A. (MR. DA CUNHA) Correct. Yeah.

4 Q. And I think Member Grinnell's question was
5 whether we will depict in the virtual tour the areas in
6 which there is potential crossings for the transmission
7 line?

8 A. (MR. DA CUNHA) We will see that, yes.

9 MS. GRABEL: Does that answer your question,
10 sir?

11 MEMBER GRINNELL: Yes, thank you.

12 BY MS. GRABEL:

13 Q. Go ahead, Mr. da Cunha.

14 A. (MR. DA CUNHA) Thank you.

15 So what we're seeing here is the beginning of
16 Routes A and A1. This is switchyard 17, 40-acre parcel
17 in which would host the, you know, substation, the
18 switchyard here farther to the south, the batteries, the
19 O&M facilities and so on. We're looking here on the
20 southeasterly direction. Then the background there is
21 the Delaney Substation, the Palo Verde hills. Here to
22 the right is the Saddleback, I think it's called
23 Mountains around here, hence the Saddleback right there.
24 We can see a little bit of the scars, if you will, of the
25 flood retardant structure. We can see a little bit of

1 the canals. And so this is just to situate.

2 Here we see the A-frame, a depiction of it, the
3 first monopoles. This is -- well, like I pronounce,
4 Salome/Camelback stretch. It's a one mile. And I've
5 noticed that Euro trashing is rubbing off here, my
6 friend, Mr. Knox, who's been pronouncing funny too. So
7 blame me, not him. So that's our quick orientation here.

8 Eli, I believe you're my fingers there. Yes.
9 Could you please press play? So here we go.

10 The gen-tie immediately cross on the south side
11 of Salome Highway. It goes east, as we're going to see
12 there. Pause, please. To the left -- to the left is the
13 the eastern portion of Burnt Mountain, just noting that.
14 Here kind of the middle background is the Harquahala
15 Valley Irrigation District canal. And so on.

16 Eli, play again, please. We are approaching
17 here our first turn and you're going to see that the
18 gen-tie turns right over the canal at the Harquahala
19 Valley canal. There it is. This dark portion.

20 Here's the Saddleback flood retardant structure,
21 FRS. We stay on the dry side of the structure. We skirt
22 the structure 200 feet from the toe of that structure.

23 Pause one, Eli. Thanks.

24 In front of the Palo Verde Hills is the Delaney
25 Substation. Showing here to the right is the, you know,

1 this eastern portion of the Saddleback Mountain, I think
2 it's called.

3 Play again, Eli, please.

4 We're going to continue. We're going to go
5 around this, you know, small little mesa. We are
6 approaching Thomas Road alignment. At this point there's
7 no road. And as soon as we make a left turn here, I'm
8 going to ask for a pause. Almost, almost. There'll be
9 two lines showing up here.

10 We can pause, Eli, please. Perfect.

11 So this is the flood retardant structure. This
12 is the Saddleback -- pardon me -- the Thomas Road
13 alignment. And here we do a two-for-one. So A is the
14 one to the right that stays in the flood control fee
15 land, and at a certain point here this is the point that
16 it turns right or south and crosses the existing
17 Harquahala-Hassyampa 500kV line.

18 The to-be-built, if this is the route that they
19 will take the HV Sunrise turns east again, crossing
20 Salome Highway, crossing the Harquahala-Hassyampa line,
21 again, and turns left, north into Delaney.

22 And the other line that we see here is
23 Alternative A1, that's a straight shot into Delaney.

24 And whilst here, if I may, you know, pedal back
25 a little bit. I think that's the expression. Yesterday

1 when we were commenting how the competitors, the private
2 entities, they are being uncooperative. Well, you know,
3 if I had my wish, yes, we would have shaken hands on this
4 months ago and wouldn't be having this talk. So I
5 suppose I feel that there is a certain level of lack of
6 cooperation. But they have their business to, you know,
7 to carry on and we have ours. We have been dealing with
8 them. I wish it had been a little faster than we
9 currently are now. But definitely when I said that
10 they're being uncooperative and so on, it's not entirely
11 true. You know, it's -- my wish is that things were a
12 little faster, but it's not like we write to them and
13 they never write to us, they never call back, anything
14 like that. I just wanted to correct the record a little
15 bit. It's, you know, it's not entirely like that.

16 Anyway, keeping up here, so Eli, please press
17 play.

18 So here we're going to go east a little bit.
19 Alternative A is the one that's going to bend to the
20 right. Here's the existing Harquahala-Hassyampa line.
21 Here's where A, you know, crosses to the south as you can
22 see there. And then is going to turn again east. And we
23 are approaching the Salome Highway.

24 Eli, pause there.

25 Yeah. The Salome Highway is around here. So

1 both routes would obviously cross Salome Highway. A1,
2 that is the shortest, would enter Delaney here on the
3 southwest side and cross all the existing and future
4 infrastructure. The point of interconnect is on the
5 east.

6 And A will cross Salome. Here it is depicted as
7 the crossing of the existing Harquahala-Hassyampa will be
8 underground, we don't know that yet. We need to continue
9 to work with APS, SRP, the owner of this line, and so on.
10 It is a complicated and complex part of the project. So
11 we don't know if it's going to be under or above.
12 Depicted here is under -- under cross.

13 Eli, play again please.

14 MEMBER LITTLE: Can I ask a question?

15 CHMN. KATZ: Yes, Member Little.

16 MEMBER LITTLE: So A enters Delaney Substation
17 east of where the Harquahala existing line or --

18 MR. DA CUNHA: Yes.

19 MEMBER LITTLE: -- this side?

20 MR. DA CUNHA: Yes. So the Harquahala line does
21 not enter Delaney. It runs approximately here.

22 MEMBER LITTLE: Oh, I see. Okay. It doesn't go
23 into Delaney Substation?

24 MR. DA CUNHA: No.

25 MEMBER LITTLE: I get it. Okay. Thank you.

1 MR. DA CUNHA: So, Eli, play again, please.

2 So they go, makes a 90-degree turn north and
3 enter Delaney here on the southeast side. That's where
4 our bay has been indicated will be. And then you can
5 see, you know, pretty much that was all, well, where the
6 array and gen-tie would be if we used that route.

7 MS. GRABEL: Thank you.

8 And we want to go through Alternative B and at
9 least show the portions that remain relevant with the new
10 alternatives? Yes?

11 (Yes response by Committee.)

12 BY MS. GRABEL:

13 Q. Please, Mr. da Cunha?

14 A. Eli, ready when you are, please.

15 MEMBER GRINNELL: Mr. Chairman?

16 CHMN. KATZ: Yes, Mr. Grinnell.

17 MEMBER GRINNELL: I can't see the flyover any
18 longer. I don't know if Mr. Gentles can, but I can't.

19 MS. GRABEL: Member Grinnell, we're pulling it
20 up right now.

21 MR. GENTLES: I can't either.

22 MS. GRABEL: There we go. Do you see it?

23 MEMBER GENTLES: Yes, I think --

24 MEMBER GRINNELL: I see Mr. Gentles, not the
25 virtual -- flyover.

1 MS. GRABEL: Member Grinnell, do you see now?

2 MEMBER GRINNELL: I do. Thank you.

3 BY MS. GRABEL:

4 Q. Okay.

5 A. (MR. DA CUNHA) So this is the previous
6 alignment of B that at least roughly three miles of it is
7 not going to be the same anymore. It would skirt
8 Courthouse Ag to the west. Here. So it's the old S13 --
9 I believe S13 will continue. That's right, because I
10 think B1 or B2 would be sited here at the corner.

11 So what the simulation will show is our line
12 crossing to the south, going east for approximately a
13 mile, turning south and going south for two miles and
14 then turning east and going toward the Harquahala Power
15 Plant and Delaney.

16 Well, that will not be relevant anymore. But
17 the area here is, you know, very homogenous from one mile
18 to the next. It's all crop fields, you know. It's like
19 when I first visit North Dakota. Once you see a little
20 bit of it, you kind of see everything, you know.
21 Apologies to the friends from North Dakota. But the way
22 it is, right? You could say that about the Mediterranean
23 as well. Once you see a little bit of it, everything
24 looks the same. I'm from that area.

25 So, well, let's press play. This should be

1 relatively quick.

2 So this first three miles here, that is not
3 going to happen anymore. We'll let the sim continue.
4 Here is Mr. Martori's greenhouse. He has also now
5 greenhouses here to the south. That's Mr. Martori's
6 land. This Indian School Road.

7 Eli, press play -- pause now. Now. There you
8 go. Perfect.

9 So this mile here that goes into the Harquahala
10 Power Plant, this will stay the same. And now the
11 difference is the two miles prior to this point which is
12 all ag land, so it's going to be very similar to what
13 we're going to see around this areas. It's all flat.
14 We've been to this areas. We will complete all required
15 field studies prior to construction, all compliances and
16 so forth.

17 Eli, play again, please.

18 So here's this portion will stay the same. This
19 would be single circuit all the way to the Harquahala
20 switchyard.

21 Eli, there'll be a pause come up here. This is
22 good enough here. Pause, please.

23 So this is the switchyard of the Harquahala
24 Power Plant. This is where the line would switch from a
25 single circuit to double circuit. Or, you know,

1 depending on the conversations, continue as a single
2 circuit. But let's assume for the simulation that it's
3 double circuit.

4 So, Eli, continue, please.

5 Here, because of the double circuit heavier
6 structures, the poles would be closer together but using
7 exactly the same corridor, same right of way. This is
8 the end of Thomas Road. Now it's just Thomas Road --
9 this is actually still Thomas Road, I think a little bit.
10 And Thomas Road ends and then it's just the Thomas Road
11 alignment. There you go. There's no road. It's just
12 the alignment here.

13 Pause please.

14 Here's the flood retardant structure, you know,
15 the dry side closer to us. The wet side farther out.

16 Play, please.

17 So here would cross the flood retardant
18 structure as presently is now. This goes for a couple of
19 miles. Delaney is in the background to the center. We
20 see it there. Soon here we're going to cross Salome
21 Highway. There's Salome Highway, the cross.

22 Pause please.

23 And somewhere here, our double circuit would
24 split. The Harquahala-Hassyampa line would continue to
25 the east, southeast towards the Hassyampa complex. And

1 our conductor that would be on the north side would
2 split. Here there will be maybe a specialized pole, a
3 specialized structure to -- to make this split that will
4 take our conductors to the far southeast side of Delaney.

5 Play, please.

6 And that's where our conductors would enter here
7 at Delaney.

8 Ms. Grabel.

9 MS. GRABEL: Thank you, Mr. da Cunha.

10 Are there any questions for Mr. da Cunha with
11 respect to the tour? If not, I mean, absent any
12 additional testimony from the intervenor that we need to
13 address, that ends the applicant's case.

14 CHMN. KATZ: Okay. Any -- and if over the
15 break -- we're going to take a 15-minute recess. If over
16 the break, there are any Committee questions that need to
17 be asked of Mr. Knox, Mr. da Cunha, Mr. Khot, we'll take
18 those questions.

19 And if not, we'll have cross-examination of any
20 of the witnesses that have been called by the applicant.

21 And then if need be, the intervenor can present
22 any additional witnesses or testimony. It's almost, not
23 quite, it's almost 10:30. Let's begin about 10:45 or
24 thereabouts.

25 (Recess from 10:27 a.m. to 11:12 a.m.)

1 CHMN. KATZ: We're going to go back on the
2 record.

3 I've just been advised that the CECs were sent
4 over to Tod Brewer for review about 15 minutes ago, and
5 we now have them back in both PDF format, which will be
6 Chair Exhibit 1, and will probably be displayed on the
7 left screen. If applicant wishes to do it the other way
8 around we can. And the PDF, we're not going to touch it.
9 It's just going to be an exhibit that we will be
10 retaining and showing where we started from.

11 On the right screen will be the Word version,
12 and I will go through the usual review of that CEC with
13 the Committee. All of the conditions, findings of fact
14 and conclusions of law will be individually voted upon
15 just with yea and nay votes.

16 Then the CEC will be voted on when we're all
17 done by all of those who are present. And that will be a
18 roll call vote.

19 And if I slip up or move too quickly, I'd urge
20 the members of the Committee or the applicant and
21 intervenor to don't hesitate to interrupt.

22 MS. GRABEL: Thank you, Mr. Chairman. Do we
23 want to do the exhibits, the stipulation --

24 CHMN. KATZ: Before we display that, I
25 understand there are some stipulations or things that we

1 need to take care of on the record.

2 It's my understanding that there is going to be
3 no cross-examination of the applicant witnesses and that
4 the intervenor is not going to be presenting any further
5 testimony.

6 MR. CARROLL: That is correct, Mr. Chairman,
7 thank you.

8 In exchange for us moving to or stipulating to
9 admit all of the intervenor's exhibits as part of the
10 record, and in exchange for the withdraw and subsequent
11 conditions contained in the CEC application that we're
12 about to discuss, intervenor is waiving the right for
13 further cross-examination.

14 So we would be admitting Exhibit 3 of
15 intervenor's -- CAH-3 has already been admitted; that was
16 the direct testimony of Mr. Martori. However, we've got
17 to admit CAH-1, CAH-2, CAH-4, CAH-5, and you can just --
18 5 through 12.

19 CHMN. KATZ: So the intervenor's exhibits that
20 begin all with the predicate of CAH 1, 2, 3, 4, 5 through
21 12 will all be admitted by stipulation. Is that correct?

22 MS. GRABEL: That is correct.

23 CHMN. KATZ: And do you have any additional
24 exhibits that we want to make sure have been received?

25 MS. GRABEL: I believe that we moved the

1 admission of MEC-9. Did I do that already? That was a
2 virtual tour.

3 CHMN. KATZ: Well, if not it definitely will be
4 admitted. I think we did.

5 MS. GRABEL: Okay. Thank you. And then the
6 only one that I would move pursuant to a stipulation is
7 MEC-20, which is just related to additional EMF impacts.
8 I just wanted in the record to complete the record since
9 it responds to some of the stipulated exhibits they just
10 moved.

11 CHMN. KATZ: Right. And I don't know if we need
12 to check regarding the earlier admissions or not, but I
13 think we should be in good shape.

14 MS. GRABEL: Okay. When you say the earlier
15 admissions, Chairman, do you mean --

16 CHMN. KATZ: You moved or offered exhibits
17 during the course of the presentation which were all
18 admitted. I just don't know if we want to go through the
19 list to make sure we have everything that you want.

20 MS. GRABEL: Sure. Do you want me to --

21 CHMN. KATZ: I think it would be helpful to make
22 sure that we don't screw up later on.

23 MS. GRABEL: Sure. It's MEC-1 through 10, and
24 MEC-13, MEC-17, MEC-18, MEC-20, MEC-21.

25 CHMN. KATZ: Okay.

1 MS. GRABEL: And then 19 was the proposed CEC,
2 but since that has evolved we have a new CEC which I
3 suppose we can mark --

4 CHMN. KATZ: Okay. So again we have MEC-1
5 through 10, 13, 17, 18, 20 and 21?

6 MS. GRABEL: Correct.

7 CHMN. KATZ: And those will all be admitted.
8 And you need to make sure the court reporter has copies
9 of all of those.

10 And I believe we are ready to proceed with the
11 review of the CECs -- or of the CEC.

12 And am I correct that the PDF is on the left
13 screen?

14 MS. GRABEL: That is correct.

15 CHMN. KATZ: And we'll be working off of and
16 editing as we go, and occasionally I might need to ask
17 you what page we're on.

18 But on the first page of what will be CEC
19 No. 207, you can get rid of the caption above and scroll
20 down so that we're looking at that first paragraph,
21 certificate of -- the introduction. And you can stop
22 right there.

23 And I would ask the Committee, if they would, to
24 take a look at the introductory paragraph which is on
25 page 1, lines 11 through 23, and then we'll scroll down

1 after we have a chance to look at that.

2 And I think you can scroll down a little bit
3 lower so we can begin to see the names. It tells us who
4 was present. You can go up. Obviously I'm there, stop
5 for a moment, Daniel Schwiebert was not present. Leonard
6 Drago was not present. So we will strike their names
7 from this CEC. Rick Grinnell was here virtually, Mary
8 Hamway is here. Jim Palmer is here. Karl Gentles has
9 been here virtually. Jack Haenichen is here in person.
10 Margaret "Toby" Little is also present. As am I, Paul
11 Katz. So those are the names of the people who are
12 present.

13 And if we're going too fast, the Committee
14 should stop me. But then were on page 2 now, lines 1
15 through 10. That's as far as we're going to go right
16 now. And if we need to scroll back, you'll let me know.
17 But once you're done, we'll take a vote to see if we can
18 approve the introduction as it's written on page 1
19 through page 2, line 10. And when you're comfortable,
20 somebody can make a motion to approve that. And if the
21 Committee isn't ready to vote, you can let me know.

22 MEMBER HAMWAY: I move lines 1 through 10.

23 MEMBER HAENICHEN: Second.

24 CHMN. KATZ: Also, what about the page 1?

25 MEMBER HAMWAY: Page 1, too, also.

1 CHMN. KATZ: All of page 1 as we may have edited
2 it together with page 2 through line 10, there's a
3 motion. Is there a second?

4 MEMBER HAENICHEN: Second.

5 CHMN. KATZ: Any discussion?

6 (No response.)

7 CHMN. KATZ: All in favor?

8 (A chorus of "ayes.")

9 CHMN. KATZ: Anybody opposed?

10 (No response.)

11 CHMN. KATZ: Moving -- we'll skip the next
12 section beginning at 11, because that will be our final
13 vote.

14 And we now go to the overview of the project at
15 line 17 -- or 16 and a half. And it describes the
16 project, and I think we'll take a couple minutes to look
17 at this and then go on to page 3 where it continues.

18 And let me ask you, Ms. Grabel, are we going to
19 have a map attached to the CEC even if it's not currently
20 part of it?

21 MS. GRABEL: We do. We actually do have a copy
22 of it if you would like us to hand it out to the
23 Committee.

24 CHMN. KATZ: I don't necessarily --

25 MEMBER HAMWAY: I'd like to see it. I just want

1 to see it.

2 CHMN. KATZ: We can put --

3 MS. GRABEL: We can put it up on the screen.

4 CHMN. KATZ: We can put it up on the screen when
5 we get to that point.

6 MS. GRABEL: Certainly.

7 CHMN. KATZ: But I'll silence myself and allow
8 you to read through line 28.

9 MEMBER GRINNELL: Mr. Chairman, are we going to
10 see this map?

11 CHMN. KATZ: Yes. Do you want it see it right
12 now, or do you want to wait till we read the description
13 and then we can put the map up?

14 MEMBER HAENICHEN: Let's see it right now.

15 CHMN. KATZ: Well, do you want to go to page 3
16 first and read it?

17 MEMBER LITTLE: Yes.

18 CHMN. KATZ: Let's go to page 3 and finish your
19 reading, and then we can put the map up.

20 MEMBER GRINNELL: Now I can't read it.

21 CHMN. KATZ: Maybe we can enlarge it. Can you
22 read it now?

23 MEMBER GRINNELL: Yes, sir. Thank you.

24 CHMN. KATZ: Right now we're looking at the
25 conclusion of Alternative A and Alternative B1 of

1 approximately 8.5 miles. That's through line 13. We're
2 on page 3. We can scroll so we can see B1 and B2.

3 MEMBER HAMWAY: I need to see the writing.
4 Thank you.

5 CHMN. KATZ: And I think we can just scroll to
6 have B2 at the top of the page.

7 MEMBER LITTLE: So are we looking to approve
8 through line 19 or the whole -- the whole --

9 CHMN. KATZ: Should we just go through line 19,
10 or do we want to put the map up first?

11 MS. GRABEL: Mr. Chairman, we actually noticed
12 one modification that needs to be made.

13 CHMN. KATZ: Okay.

14 MS. GRABEL: The CEC says we're approving two
15 routes. It's actually three alternative routes now. So
16 you should probably make that change.

17 CHMN. KATZ: Okay. Where -- okay, and that's on
18 page 2, line 24.

19 MS. GRABEL: Correct.

20 CHMN. KATZ: Change two to three. Does the
21 Committee have any preference as to whether we go all the
22 way through page 3, the B2, and we can put up a map in a
23 moment?

24 MEMBER HAMWAY: Why can't the map be put on --

25 CHMN. KATZ: Okay. Why you don't ahead, I don't

1 need -- we don't need to project on the left screen. We
2 don't need to project the PDF. Can we put the map up
3 there?

4 MR. ANCHARSKI: The map won't be on the Zoom.

5 AV TECH MOELLER: We can adjust that.

6 CHMN. KATZ: Is this the map we want to display?

7 MR. ANCHARSKI: Yes.

8 MR. CARROLL: And, Mr. Chairman.

9 CHMN. KATZ: Yes, Mr. Carroll.

10 MR. CARROLL: If Alternative A, I understand is
11 the preferred route for the applicant, I wonder if there
12 should be some reference that the preferred Route A and
13 then two alternatives to that, perhaps might be a better
14 way to word that.

15 MEMBER HAMWAY: I support that.

16 MS. GRABEL: I have no objection to that. We do
17 have a condition saying that we are to use best efforts
18 to use Alternative A and notify the landowner failing
19 construction of A or A1. But I don't mind the additional
20 language.

21 CHMN. KATZ: Yeah, we can -- again, we're on
22 page 2, line 24. How would you like that to read, the
23 applicant is seeking --

24 MEMBER HAMWAY: I think you can just say
25 "Alternative A (preferred route)," and then I don't think

1 you have to say anything else on B.

2 MR. CARROLL: I agree.

3 CHMN. KATZ: Thank you.

4 MR. CARROLL: Thank you.

5 CHMN. KATZ: Are you sure you never taught
6 English? Thank you.

7 And do we need anybody to explain with a cursor,
8 or -- A is obvious. I don't know if the map we want to
9 attach to the final CEC, if it hasn't yet been prepared,
10 whether we want to show Alternative A, B1, and B2 by
11 labeling it? Or is it labeled?

12 MEMBER LITTLE: It's hard to read, but I have a
13 question about B2.

14 CHMN. KATZ: We're off the record while the
15 parties are discussing where we're at.

16 (Off the record discussion.)

17 MS. GRABEL: We'll go ahead and correct that.

18 So the issue is that legend says Alternative B and then
19 denotes B1 and B2. B1 and B2 are two different
20 alternatives, so we'll just modify this map to remove the
21 language Alternative B so that it says proposed routes,
22 preferred Alternative A and A1 and then B1 and B2 without
23 any reference to an Alternative B.

24 CHMN. KATZ: Okay.

25 MEMBER LITTLE: I have a question about where --

1 is B2 the one that is furthest west?

2 MS. GRABEL: Correct. Yes.

3 MEMBER LITTLE: How does that one come out of
4 the switchyard? Does it go west first and then south?

5 MS. GRABEL: The switchyard is the B2
6 switchyard, which is a new green switchyard from which B2
7 originates --

8 MEMBER LITTLE: Oh, I see.

9 MS. GRABEL: -- and heads directly south.

10 MEMBER LITTLE: Okay. I see. I get it. Thank
11 you.

12 CHMN. KATZ: Anyway, let's go to page 3.

13 MEMBER LITTLE: So would S17 even exist if that
14 was the choice, if you had to use B2?

15 MS. GRABEL: S17, Member Little, is for Route A.
16 So, no, S17 is the switch alternative --

17 MEMBER LITTLE: S13.

18 MS. GRABEL: S13 exists for B1, and then this
19 new B2 switchyard exists if B2 is constructed.

20 CHMN. KATZ: You can scroll down so we can see
21 both A and B. Does the Committee think we're trying to
22 digest too much in one motion?

23 MEMBER LITTLE: Yes.

24 CHMN. KATZ: Should we just --

25 MEMBER GRINNELL: Mr. Chairman.

1 CHMN. KATZ: Yes, sir.

2 MEMBER GRINNELL: I apologize, but I'm looking
3 at the maps that we were given, and I'm looking at what
4 we see on the screen here. And there's no clear
5 delineation on any of these maps what is B1, B2, A1, A.
6 And maybe it's just me. Maybe I'm a simpleton here.
7 But, you know, I'm going color blind just trying to
8 figure out which one is which going where.

9 MS. GRABEL: He can't see the laser pointer.

10 MEMBER GRINNELL: Even if I could see the laser
11 pointer --

12 CHMN. KATZ: Hold on. Let --

13 MEMBER GRINNELL: Allow me to finish, please.

14 CHMN. KATZ: Let Mr. Grinnell speak, please.

15 MEMBER GRINNELL: Okay. On these maps, you have
16 lines and you have all these -- I understand you have a
17 laser pointer. But on this map, especially when this is
18 going before the Commission, I think these routes need to
19 be delineated physically on the map A, A1, B, B1, so that
20 everybody understands exactly what we're looking at.

21 Because between blue, red, green, yellow, and
22 brown, and all these other colors, I -- maybe it's me.
23 But this is more convoluted and confusing as this process
24 continues to go. We eliminate one route and we got
25 somebody else and switchyards. I think these maps need

1 to be updated somehow to where -- I would not feel
2 comfortable supporting this without -- and giving the
3 Commission a vote on this without them understanding
4 exactly where the routes are. Without the -- without the
5 use of this pointer or whatever else we have here. Maybe
6 I'm just being overly anal retentive here. But --

7 MEMBER LITTLE: Mr. Chairman, could I suggest
8 that we approve the CEC through the description of A,
9 Alternative A, because that's been pretty clear all
10 along.

11 CHMN. KATZ: We have -- do you have any
12 objection to doing that, just voting on Alternative A?

13 MEMBER GRINNELL: I'm not even sure what
14 Alternative A is anymore. That's my whole point.

15 MR. CARROLL: It hasn't changed.

16 CHMN. KATZ: It hasn't changed.

17 MEMBER GRINNELL: Okay. But when I'm looking at
18 the maps, I mean Alternative A is the one that runs up
19 through the canal area; am I correct?

20 CHMN. KATZ: That's correct.

21 MEMBER GRINNELL: Okay. And then it goes
22 through the switchyard, I forget which switchyard it
23 connects into.

24 MR. KNOX: 17.

25 CHMN. KATZ: 17, S17.

1 MEMBER GRINNELL: If you want to do that, that's
2 fine. That one's easy to dilute, but anyway.

3 MEMBER GENTLES: Mr. Chair, I do have a similar
4 concern. Maybe we can use that pointer one more time to
5 show us a Route A.

6 CHMN. KATZ: And what we can do is use the --
7 maybe we can just use the cursor rather than the laser
8 pointer and try to just slowly take us down the entire
9 route.

10 MS. GRABEL: Do you see --

11 MEMBER GENTLES: Okay. I can see it moving,
12 yes.

13 MS. GRABEL: Okay. That's going down --

14 MEMBER GENTLES: Can you enlarge the screen any?

15 CHMN. KATZ: Take us one more tour from the
16 switchyard down southeast.

17 MEMBER GENTLES: Okay.

18 CHMN. KATZ: Were you able to see that as well,
19 Member Grinnell?

20 MEMBER GRINNELL: Yes, thank you.

21 CHMN. KATZ: Okay. So we're now going back to
22 the description of Alternative A which is on page 2,
23 line 25, and goes on to page 3. If you could scroll for
24 me, so I can see page 3. Okay. Through line 6 on
25 page 3.

1 We have a motion to approve the preferred
2 Alternative A as depicted on both the map and in the
3 paragraphs I've just described. Is there a second?

4 MEMBER LITTLE: Mr. Chairman, don't we have to
5 do the language before Alternative A -- the description
6 of Alternative A, or did we already do that?

7 CHMN. KATZ: Okay. I think we need to go from,
8 excuse me, page 2, line 17 through page 3 -- what was the
9 line number on that? Go through line 6

10 MEMBER LITTLE: I so move.

11 MEMBER HAMWAY: Second.

12 CHMN. KATZ: Any further discussion?

13 (No response.)

14 CHMN. KATZ: All in favor?

15 (A chorus of "ayes.")

16 CHMN. KATZ: Anybody opposed?

17 (No response.)

18 CHMN. KATZ: We'll then go on to Alternative B1.

19 And I don't know -- yes?

20 THE REPORTER: Who was the second?

21 CHMN. KATZ: Mary Hamway.

22 And on Alternative B1, do we have a way of
23 taking us slowly along that route?

24 MS. GRABEL: Yes, Mr. Ancharski is doing that
25 now. Are you there, Eli? So B1 originates right there

1 from the S13 substation and then heads south.

2 CHMN. KATZ: Along that blue line.

3 MS. GRABEL: Along the blue line. Exactly. And
4 then turns east along the purple line into the Delaney
5 Substation for the duration.

6 CHMN. KATZ: Any confusion about B1?

7 (No response.)

8 CHMN. KATZ: And I think the maps are fine, but
9 I don't know if we want to have the final version that we
10 attach have on the map itself rather than use the legend,
11 say Alternative A? That might be too difficult. I
12 think -- I was able to follow.

13 MS. GRABEL: We'll try to make the routes more
14 easy to identify.

15 CHMN. KATZ: Okay. And get rid of what we don't
16 need.

17 MS. GRABEL: Of course.

18 CHMN. KATZ: Okay, any motion with respect --

19 MEMBER PALMER: I would move approval of B1.

20 MEMBER HAMWAY: Second.

21 CHMN. KATZ: And that's on page 3, lines 8
22 through 13. And it has been seconded. Any discussion?

23 (No response.)

24 CHMN. KATZ: All in favor say "aye."

25 (A chorus of "ayes.")

1 CHMN. KATZ: Anybody opposed?

2 (No response.)

3 CHMN. KATZ: Moving on to B2. We can move that
4 to the top at line 15. Scroll down. We'll just be
5 looking at lines 15 through 19. And then --

6 MEMBER LITTLE: Does --

7 CHMN. KATZ: Go ahead.

8 MEMBER LITTLE: Does the new switchyard have a
9 designation on the map? I can't -- I can see the green
10 hashmark, but I can't see in the legend what it's called.

11 MS. GRABEL: It does. On the legend it's called
12 the B2 switchyard.

13 MEMBER LITTLE: So could we say that in the
14 description, from the B2 switchyard?

15 MS. GRABEL: Sure.

16 MEMBER LITTLE: I move Alternative B2 language.

17 CHMN. KATZ: Do we need it -- did we show that
18 on the map? Let's do that.

19 MS. GRABEL: Eli's getting his exercise today.

20 CHMN. KATZ: We've giving him some good
21 exercise. He's young and needs to stay fit.

22 MS. GRABEL: So B2 just shifts B1 to the west by
23 a mile, originating at the B2 switchyard heading south
24 until just south of Thomas Road and then heads east into
25 the Delaney Substation.

1 CHMN. KATZ: Now that that's been pointed out,
2 any further clarification required?

3 (No response.)

4 CHMN. KATZ: I would entertain a motion for
5 Alternative B2, lines 15 through 19 on page 3.

6 MEMBER LITTLE: I moved it already.

7 CHMN. KATZ: Okay.

8 MEMBER HAMWAY: And I think I seconded.

9 MEMBER GENTLES: Second.

10 CHMN. KATZ: Any further discussion?

11 (No response.)

12 CHMN. KATZ: All in favor?

13 (A chorus of "ayes.")

14 CHMN. KATZ: Anybody opposed?

15 (No response.)

16 CHMN. KATZ: Take a look at lines 20 through 24.
17 It describes the modified Alternatives B1 and B2.

18 MEMBER LITTLE: This is -- that language is very
19 awkward.

20 MS. GRABEL: Member Little --

21 MEMBER GENTLES: Mr. Chairman, I don't -- I'm
22 not sure why the language has to include "have been found
23 by the Committee to use the sites." That's a little
24 awkward.

25 MEMBER HAMWAY: Is this an effort to show that

1 we are not really introducing anything real new?

2 MS. GRABEL: It is. It's attempting to parrot
3 the language in the statute, which says the sites are in
4 the same general area that was contained in the notice of
5 hearing and considered at the hearing in this matter.

6 We don't need to say "to use the sites." We
7 could just say B1 and B2 routes have been found by the
8 Committee to be in the same general area described.

9 CHMN. KATZ: I think that make more sense, and
10 it won't be confusing.

11 MEMBER GENTLES: That does make more sence.

12 CHMN. KATZ: Go ahead with that modification,
13 and then we'll have everybody read it and see.

14 MEMBER GENTLES: And the website will be updated
15 with the new general area, or does it need to change?

16 MS. GRABEL: It will absolutely be updated.

17 MEMBER GENTLES: Thank you.

18 CHMN. KATZ: Please take a look at lines 20
19 through 24 on page 3, and when you're comfortable we'll
20 entertain a motion.

21 MEMBER PALMER: I would move those lines.

22 MEMBER LITTLE: Can we break up the sentence?
23 It's really long.

24 CHMN. KATZ: What's your suggestion?

25 MEMBER LITTLE: I suggest that we put a period

1 after --

2 CHMN. KATZ: Notice?

3 MEMBER LITTLE: -- described at the hearing or
4 considered at the hearing. And then --

5 MEMBER GENTLES: Period.

6 MEMBER LITTLE: -- a second --

7 MEMBER GENTLES: And then just say --

8 MEMBER LITTLE: Eliminate the as --

9 MEMBER GENTLES: Both generally traverse.

10 MEMBER LITTLE: Both generally transverse. Yes.

11 Okay.

12 MEMBER GENTLES: Both generally.

13 CHMN. KATZ: It would be both generally traverse
14 lands shown as part of applicant's project footprint,
15 et cetera. I don't recall --

16 MEMBER GENTLES: Thank you, Toby.

17 CHMN. KATZ: -- do we have a motion?

18 MEMBER PALMER: Yes, I'll move that.

19 CHMN. KATZ: Any second?

20 MEMBER LITTLE: Second.

21 CHMN. KATZ: Any discussion?

22 (No response.)

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

24 (A chorus of "ayes.")

25 CHMN. KATZ: Anybody opposed?

1 (No response.)

2 CHMN. KATZ: Then we go to line 25 on page 3
3 through line 1 of page 4. And that will be a refined
4 version of the map that we've been looking at which will
5 be attached to the CEC.

6 And just so the Committee and the public
7 understand, once the CEC is in final form, it will be
8 sent to Tod and he and I will review it. If it reads
9 correctly, I will sign off on it. And we'll make sure
10 that we have when it gets filed, the original map or the
11 revised map attached to it, perhaps more clearly
12 delineates these three routes.

13 Is there any motion for lines 25 of page 3
14 through line 1 of page 4?

15 MEMBER LITTLE: I so move.

16 MEMBER HAMWAY: Second.

17 CHMN. KATZ: Any discussion?

18 MEMBER GRINNELL: Yeah, Mr. Chairman.

19 CHMN. KATZ: Yes, sir.

20 MEMBER GRINNELL: I wanted to reiterate my
21 concern with these maps. You just said something to me
22 that's very important. The general public looking at
23 this map would have no idea what A, B, C, D or E, any of
24 these routes really are without a clear delineation on
25 the map itself. Because the public just won't know.

1 Now, who's going to read it? I have no idea.
2 But I think if we're going to present something to the
3 public -- and if I'm confused, can you imagine just
4 somebody looking at this, interested for whatever reason.
5 I just think these maps have to be much more identified
6 with the routes, clearly showing which routes are which,
7 and being much more transparent with what we're actually
8 presenting to the Commission to even vote on.

9 CHMN. KATZ: Again, it's my understanding that
10 we have shown all of the Committee and anybody that may
11 be observing these proceedings by the use of the cursor
12 where those routes are, and there's a legend that depicts
13 them. I don't know whether I need a motion from the
14 Committee to allow me to. The revised map A, Exhibit A
15 that will be attached, but it's my understanding that we
16 will better delineate which route is which, perhaps by
17 just signifying such along the route.

18 MS. GRABEL: Certainly, Chairman. Two
19 alternatives occur to me. One, I think part of the
20 confusion here is the routes are multi colored in part
21 because there are different corridor widths attached to
22 each, and so we could either modify the single map by
23 making the three lines each three different colors and
24 trying to identify the corridors a different way.

25 Or we could do three different maps with each

1 route.

2 I think either way would probably address Member
3 Grinnell's concerns.

4 CHMN. KATZ: Any thoughts by the Committee?

5 MEMBER LITTLE: I think that's a good idea. I
6 think that maybe a map that doesn't even show the
7 corridors, it just shows the routes.

8 MS. GRABEL: Okay. In three different colors.

9 MEMBER LITTLE: Yeah. Yeah. And then a second
10 one if you feel it's necessary to show the corridors
11 also.

12 CHMN. KATZ: And I don't know whether the --
13 since we're going forward, we first need to approve the
14 language. But then I don't know whether I need the
15 consent of the Committee to approve the revised maps.
16 This will delineate the same routes as we've seen here
17 today but in a more clear and concise way.

18 But let's first take a look at again at lines 25
19 on page 3, through line 1 on page 4. And I don't recall
20 whether or not we had a motion.

21 MEMBER PALMER: You did.

22 MR. CARROLL: Mr. Chairman.

23 CHMN. KATZ: Yes.

24 MR. CARROLL: Is the language "one or the other
25 of the alternatives" sufficient to delineate that only

1 one of the routes will be constructed in totality?

2 CHMN. KATZ: Or you can say "only one."

3 MR. CARROLL: Yeah, that's exactly what I was
4 thinking.

5 MEMBER LITTLE: I think that's better.

6 CHMN. KATZ: "Only" before the word "one" on
7 line 25.

8 MEMBER HAMWAY: Take out "or the other." Just
9 say only one of the alternatives.

10 CHMN. KATZ: Right. You can take "or the other"
11 out.

12 MR. CARROLL: Thank you, Mr. Chairman.

13 MEMBER GRINNELL: There was a motion and a
14 second, Mr. Chairman, to your question and to your --
15 map.

16 CHMN. KATZ: Let's deal with this first. All in
17 favor?

18 (A chorus of "ayes.")

19 CHMN. KATZ: Anybody opposed?

20 (No response.)

21 CHMN. KATZ: It is approved.

22 But I don't know whether I should just go ahead
23 and do it or whether the Committee wants to have a motion
24 allowing me to approve the map that the applicant will
25 resubmit to us in a more legible form accurately

1 depicting the three separate routes.

2 MEMBER LITTLE: So move.

3 MEMBER GENTLES: I'll make that motion.

4 MEMBER GRINNELL: I -- okay.

5 CHMN. KATZ: We'll have Karl making the motion
6 and second by Member Little.

7 MEMBER LITTLE: Yes.

8 CHMN. KATZ: Any discussion?

9 (No response.)

10 CHMN. KATZ: All in favor?

11 (A chorus of "ayes.")

12 CHMN. KATZ: Anybody opposed?

13 (No response.)

14 CHMN. KATZ: Okay. Now we'll go through the
15 conditions of the CEC. And Condition 1, take a look at
16 it and once you've read it, you can let me know by way of
17 a motion.

18 MEMBER HAMWAY: I move Condition 1.

19 MEMBER PALMER: Second.

20 CHMN. KATZ: Discussion?

21 (No response.)

22 CHMN. KATZ: All in favor?

23 (A chorus of "ayes.")

24 CHMN. KATZ: Anybody opposed?

25 (No response.)

1 CHMN. KATZ: Moving on to Condition No. 2.
2 MEMBER HAENICHEN: I'll move Condition 2.
3 MEMBER HAMWAY: Second.
4 CHMN. KATZ: Any discussion?
5 (No response.)
6 CHMN. KATZ: All in favor?
7 (A chorus of "ayes.")
8 CHMN. KATZ: Anybody opposed?
9 (No response.)
10 CHMN. KATZ: Condition 3, again, we're on --
11 we've been on page 4, line 25 through 27. And I think
12 Condition 3 rolls on to the next page, 5. And it even
13 goes further now with the subparts. And I don't believe,
14 is there any subpart below D? Yes, there is.
15 MEMBER LITTLE: I move Condition 3.
16 CHMN. KATZ: Any second?
17 MEMBER PALMER: Second.
18 MEMBER FRENCH: Second.
19 CHMN. KATZ: Any discussion?
20 (No response.)
21 CHMN. KATZ: All in favor?
22 (A chorus of "ayes.")
23 CHMN. KATZ: Anybody opposed?
24 (No response.)
25 CHMN. KATZ: Moving to Condition No. 4.

1 MEMBER HAENICHEN: I move Condition 4.
2 MEMBER HAMWAY: Second.
3 CHMN. KATZ: Discussion?
4 (No response.)
5 CHMN. KATZ: All in favor?
6 (A chorus of "ayes.")
7 CHMN. KATZ: Anybody opposed?
8 (No response.)
9 CHMN. KATZ: Condition 5.
10 MEMBER PALMER: I move Condition 5.
11 MEMBER HAENICHEN: Second.
12 MEMBER GENTLES: Second.
13 CHMN. KATZ: Any discussion?
14 (No response.)
15 CHMN. KATZ: All in favor?
16 (A chorus of "ayes.")
17 CHMN. KATZ: Condition No. 6, please.
18 MEMBER GENTLES: I move Condition 6.
19 MEMBER HAMWAY: Second.
20 CHMN. KATZ: Any discussion?
21 (No response.)
22 CHMN. KATZ: All in favor?
23 (A chorus of "ayes.")
24 CHMN. KATZ: Anybody opposed?
25 (No response.)

1 CHMN. KATZ: Moving to Condition 7.
2 MEMBER HAMWAY: I move Condition 7.
3 MEMBER HAENICHEN: Second.
4 CHMN. KATZ: Discussion?
5 (No response.)
6 CHMN. KATZ: All in favor?
7 (A chorus of "ayes.")
8 CHMN. KATZ: Anybody opposed?
9 (No response.)
10 CHMN. KATZ: Condition 8.
11 MEMBER HAMWAY: I move Condition 8.
12 MEMBER LITTLE: Second.
13 CHMN. KATZ: Discussion?
14 (No response.)
15 CHMN. KATZ: All in favor?
16 (A chorus of "ayes.")
17 CHMN. KATZ: Anybody opposed?
18 (No response.)
19 CHMN. KATZ: Next, Condition No. 9.
20 MEMBER HAMWAY: I move Condition 9.
21 CHMN. KATZ: Any second?
22 MEMBER GENTLES: Second.
23 CHMN. KATZ: Any discussion?
24 (No response.)
25 CHMN. KATZ: All in favor?

1 (A chorus of "ayes.")
2 CHMN. KATZ: Anybody opposed?
3 (No response.)
4 CHMN. KATZ: Condition No. 10.
5 MEMBER PALMER: I move Condition 10.
6 MEMBER HAMWAY: Second.
7 CHMN. KATZ: Any discussion?
8 (No response.)
9 CHMN. KATZ: All in favor?
10 (A chorus of "ayes.")
11 CHMN. KATZ: Anybody opposed?
12 (No response.)
13 CHMN. KATZ: Condition 11.
14 MEMBER HAMWAY: I move Condition 11.
15 MEMBER GENTLES: Second.
16 CHMN. KATZ: Any discussion?
17 (No response.)
18 CHMN. KATZ: All in favor?
19 (A chorus of "ayes.")
20 CHMN. KATZ: Anybody opposed?
21 (No response.)
22 CHMN. KATZ: We can move on then to the next
23 Condition No. 12.
24 MEMBER LITTLE: I move Condition 12.
25 MEMBER PALMER: Second.

1 CHMN. KATZ: Any discussion?
2 (No response.)
3 CHMN. KATZ: All in favor?
4 (A chorus of "ayes.")
5 CHMN. KATZ: Anybody opposed?
6 (No response.)
7 CHMN. KATZ: It is approved. No. 13.
8 MEMBER PALMER: I move 13.
9 MEMBER PALMER: Second.
10 CHMN. KATZ: Any discussion?
11 (No response.)
12 CHMN. KATZ: All in favor?
13 (A chorus of "ayes.")
14 CHMN. KATZ: Condition 14.
15 MEMBER LITTLE: I move Condition 14.
16 MEMBER HAMWAY: Second.
17 CHMN. KATZ: Any discussion?
18 (No response.)
19 CHMN. KATZ: All in favor?
20 (A chorus of "ayes.")
21 CHMN. KATZ: Anybody opposed?
22 (No response.)
23 CHMN. KATZ: Moving to Condition 15.
24 MEMBER HAMWAY: I move Condition 15.
25 MEMBER LITTLE: Second.

1 CHMN. KATZ: Any discussion?

2 (No response.)

3 CHMN. KATZ: All in favor?

4 (A chorus of "ayes.")

5 CHMN. KATZ: Passes. Number 16.

6 MEMBER LITTLE: I move Condition 16.

7 MEMBER HAMWAY: Second.

8 MEMBER GENTLES: Second.

9 CHMN. KATZ: Any discussion?

10 (No response.)

11 CHMN. KATZ: All in favor?

12 (A chorus of "ayes.")

13 CHMN. KATZ: Anybody opposed?

14 (No response.)

15 MEMBER GENTLES: Mr. Chair, you are going to

16 correct the grammar in that sentence; correct? There's a

17 period after transmission service, lower cap expansion.

18 CHMN. KATZ: We will get rid of the period.

19 Thank you.

20 MEMBER HAENICHEN: Also, Mr. Chairman. On

21 several of these that we've already approved, you didn't

22 get to ask for is anybody opposed. So I would suggest

23 you reread --

24 CHMN. KATZ: Well, without going through them,

25 was there any opposition to any of the conditions that we

1 have already approved? And, if, so state the condition
2 number and your opposition.

3 (No response.)

4 CHMN. KATZ: Hearing nothing from the Committee,
5 and I did realize I did that on at least one of those
6 earlier conditions.

7 Now we're going to Condition 17.

8 MEMBER HAMWAY: Mr. Chairman, just to make a
9 note for the record, I did make a note for B1 or B2
10 class III studies have not been done. Do we need to
11 somehow -- I mean, you said they'd do that normally. Is
12 there a reason to highlight that?

13 MS. GRABEL: Let me ask Mr. Knox.

14 Mr. Knox, what do you think? Do you think we
15 need to include any language in the condition regarding
16 the applicant conducting class III studies on the B1 and
17 B2 routes, or will those be conducted in the normal
18 course if those routes are actually constructed?

19 MR. KNOX: That's correct. It's the latter.

20 MS. GRABEL: Okay.

21 MEMBER HAMWAY: I'm fine with that.

22 MS. GRABEL: Okay.

23 CHMN. KATZ: Anybody else have any concerns on
24 that issue? Let's take a look, then, at Condition 17 at
25 least through A, and then we'll scroll down to read the

1 rest of B. It deals with grounding and to prevent any
2 natural gas-related pipeline issues.

3 MEMBER HAENICHEN: Does this condition obligate
4 the applicant to do some research to see if it is within
5 100 feet?

6 CHMN. KATZ: I think that it does. I mean, they
7 can't begin construction without knowing where any
8 underground or aboveground gas pipelines are.

9 MS. GRABEL: That is correct, Mr. Chairman. We
10 do know the location of the gas pipelines, and this
11 requires us to take certain measures prior to
12 constructing within 100 feet of those gas pipelines.

13 CHMN. KATZ: Scroll down so we can see part
14 of B.

15 MEMBER PALMER: I move approval of Condition 17.

16 MEMBER HAMWAY: Second.

17 CHMN. KATZ: Any further discussion?

18 (No response.)

19 CHMN. KATZ: All in favor?

20 (A chorus of "ayes.")

21 CHMN. KATZ: Any opposition?

22 (No response.)

23 CHMN. KATZ: Condition 17 is passed.

24 Condition No. 18. This is the annual compliance
25 certificate with the --

1 MEMBER HAENICHEN: I move 18.
2 MEMBER HAMWAY: Second.
3 MEMBER GENTLES: I'll second.
4 CHMN. KATZ: All in favor?
5 (A chorus of "ayes.")
6 CHMN. KATZ: Anybody -- Anybody opposed?
7 (No response.)
8 CHMN. KATZ: We'll consider 18 approved.
9 Going to 19.
10 MEMBER GENTLES: I move 19.
11 MEMBER PALMER: Second.
12 CHMN. KATZ: Discussion?
13 (No response.)
14 CHMN. KATZ: All in favor?
15 (A chorus of "ayes.")
16 CHMN. KATZ: Anyone opposed?
17 (No response.)
18 CHMN. KATZ: 21.
19 MEMBER LITTLE: 20.
20 CHMN. KATZ: Oh, 20.
21 MEMBER GENTLES: 20.
22 CHMN. KATZ: Yeah, 20.
23 MEMBER HAMWAY: I move Condition 20.
24 MEMBER HAENICHEN: Second.
25 CHMN. KATZ: Discussion?

1 (No response.)
2 CHMN. KATZ: All in favor?
3 (A chorus of "ayes.")
4 CHMN. KATZ: Anybody opposed?
5 (No response.)
6 CHMN. KATZ: It passes.
7 Condition No. 21.
8 MEMBER LITTLE: I move --
9 MEMBER GENTLES: I'll move 21.
10 CHMN. KATZ: I'll have Mr. Gentles doing a
11 second from Member Little?
12 MEMBER LITTLE: Yes.
13 CHMN. KATZ: Discussion?
14 (No response.)
15 CHMN. KATZ: All in favor?
16 (A chorus of "ayes.")
17 CHMN. KATZ: Anybody opposed?
18 (No response.)
19 CHMN. KATZ: Next condition. I'ts No. 22.
20 MEMBER HAENICHEN: I'll move 22.
21 MEMBER HAMWAY: Second.
22 CHMN. KATZ: Any discussion?
23 (No response.)
24 CHMN. KATZ: All in favor?
25 (A chorus of "ayes.")

1 CHMN. KATZ: Anybody opposed?

2 (No response.)

3 CHMN. KATZ: Number 23. Any motion?

4 MEMBER HAMWAY: I move 23.

5 MEMBER PALMER: Second.

6 CHMN. KATZ: Discussion?

7 (No response.)

8 CHMN. KATZ: All in favor?

9 (A chorus of "ayes.")

10 CHMN. KATZ: Anyone opposed?

11 (No response.)

12 CHMN. KATZ: Condition Number 24.

13 23 passed.

14 MR. CARROLL: Mr. Chairman, this might be a
15 drafting issue to ensure consistency of defined terms.
16 This paragraph 24 refers to Maricopa Energy. Throughout
17 the document in other places we referred to it as
18 applicant. I just don't know if ensuring consistency
19 with defined terms would help bring clarity to the
20 document.

21 MS. GRABEL: That's fine.

22 CHMN. KATZ: Just change instead of "Maricopa
23 Energy" just "applicant" shall or will?

24 MEMBER LITTLE: I move Condition 24.

25 MEMBER HAMWAY: Second.

1 CHMN. KATZ: Discussion.

2 (No response.)

3 CHMN. KATZ: All in favor.

4 (A chorus of "ayes.")

5 CHMN. KATZ: Anybody opposed?

6 (No response.)

7 CHMN. KATZ: It passes.

8 Condition 25.

9 MR. CARROLL: Mr. Chairman, I think this has a
10 similar issue. Shall provide intervenor, whereas
11 previously it had been referring to the intervenor in
12 Courthouse Ag in 25. We've consistently used Courthouse
13 Ag. This is in paragraph -- thank you.

14 MEMBER LITTLE: "Other than" A or A1 in the last
15 sentence. If an alternative "other than."

16 CHMN. KATZ: As modified, any motion for
17 Number 25?

18 MEMBER HAMWAY: I move 25.

19 MEMBER LITTLE: Second.

20 CHMN. KATZ: Discussion?

21 MEMBER GRINNELL: Yes, Mr. Chairman.

22 CHMN. KATZ: Yes, sir.

23 MEMBER GRINNELL: Alternative, should that be in
24 parentheses B1 or B2 or whatever they are to clarify that
25 those are the only two alternatives available?

1 CHMN. KATZ: I don't know if we need it there,
2 but let me just take another read.

3 MR. CARROLL: When you're done, Mr. Chairman, I
4 have one more brief --

5 CHMN. KATZ: Go ahead.

6 MR. CARROLL: Applicant shall provide Courthouse
7 Ag with written notice if an alternative other than A or
8 A1 is constructed. I think that should "is to be
9 constructed." Certainly I think Courthouse Ag would know
10 if it's constructed, if that makes sense.

11 CHMN. KATZ: Have we made that change?

12 MEMBER HAMWAY: I agree, that's a good change.

13 MEMBER GENTLES: Mr. Chairman, I also agree that
14 we should put in the language that Mr. Grinnell offered
15 up to be more specific.

16 CHMN. KATZ: That's been added.

17 MEMBER GENTLES: Thank you.

18 CHMN. KATZ: Any motion to approve as we just
19 recently amended it?

20 MEMBER HAMWAY: I move Condition 25 as recently
21 updated.

22 CHMN. KATZ: Any second?

23 MEMBER GRINNELL: Second

24 CHMN. KATZ: Discussion?

25 (No response.)

1 CHMN. KATZ: All in favor?

2 (A chorus of "ayes.")

3 CHMN. KATZ: Anybody opposed?

4 (No response.)

5 CHMN. KATZ: In a moment we'll go to the
6 findings of fact and conclusions of law.

7 If the intervenor is concerned at how fast we
8 sometimes go, most of these conditions, except the one
9 that is applied to the routes here and the alternatives,
10 are conditions that we regularly use. So the Committee
11 and myself are very familiar with them. But if you have
12 any concerns, please let me know. And I know that
13 Ms. Grabel has been here before, so she's well aware of
14 the fact. And the original drafts suggested the CECs
15 from which some of these conditions were previously used.

16 I just didn't want anybody to be confused as to
17 why sometimes we're reading faster than possible.

18 MR. CARROLL: Very good. Thank you,
19 Mr. Chairman. We trust the Committee.

20 CHMN. KATZ: I also appreciate Committee members
21 that have caught any -- and the intervenor and applicant
22 that catch any errors as we proceed, and I've been trying
23 to do the same.

24 Anyway, we're now going to findings of fact and
25 conclusions of law beginning on -- and what is this

1 page 6, or 7? I don't remember.

2 MR. ANCHARSKI: Page 11.

3 CHMN. KATZ: Page 11. Okay. That shows how far
4 behind I am. But anyway, take a look at Finding of Fact
5 and Conclusion of Law 1.

6 MEMBER PALMER: Mr. Chairman, I would move
7 finding --

8 MEMBER GENTLES: I'll move.

9 CHMN. KATZ: Okay. Well, Mr. Gentles and Member
10 Palmer second. Any discussion?

11 (No response.)

12 CHMN. KATZ: All in favor?

13 (A chorus of "ayes.")

14 CHMN. KATZ: Finding 1 is passed.
15 Let's take a look at 2.

16 MEMBER PALMER: I move Finding 2.

17 MEMBER GENTLES: Second.

18 MEMBER HAMWAY: Second.

19 CHMN. KATZ: We can give that one to
20 Mr. Gentles. It was a tie.

21 MEMBER HAMWAY: He can have it.

22 CHMN. KATZ: Any discussion?

23 (No response.)

24 CHMN. KATZ: All in favor of Condition -- or
25 Finding 2?

1 (A chorus of "ayes.")
2 CHMN. KATZ: Anybody opposed?
3 (No response.)
4 CHMN. KATZ: Number 3?
5 MEMBER LITTLE: I move Finding Number 3.
6 MEMBER HAMWAY: Second.
7 CHMN. KATZ: All in favor?
8 (A chorus of "ayes.")
9 CHMN. KATZ: Was there any discussion?
10 (No response.)
11 CHMN. KATZ: All opposed? None.
12 We will go on to Condition -- or Finding 4. Any
13 motion for --
14 MEMBER HAENICHEN: I'll move 4.
15 MEMBER GENTLES: I'll move 4. Member Gentles.
16 CHMN. KATZ: Was that Mr. Haenichen?
17 MEMBER HAENICHEN: I second it.
18 CHMN. KATZ: Okay. Any discussion?
19 (No response.)
20 CHMN. KATZ: All in favor?
21 (A chorus of "ayes.")
22 CHMN. KATZ: Anybody opposed?
23 (No response.)
24 CHMN. KATZ: We'll now go to Finding Number 5.
25 MEMBER GRINNELL: So moved.

1 MEMBER PALMER: I think Member Grinnell moved, I
2 believe.

3 CHMN. KATZ: Member Grinnell moved that one.
4 Any second?

5 MEMBER HAMWAY: Second.

6 CHMN. KATZ: Any discussion?

7 (No response.)

8 CHMN. KATZ: All in favor?

9 (A chorus of "ayes.")

10 CHMN. KATZ: Anybody opposed?

11 (No response.)

12 CHMN. KATZ: Last but not least we'll take a
13 look at Finding Number 6.

14 MEMBER HAENICHEN: I'll move finding Number 6.

15 MEMBER GENTLES: Second.

16 CHMN. KATZ: Discussion?

17 (No response.)

18 CHMN. KATZ: All in favor?

19 (A chorus of "ayes.")

20 CHMN. KATZ: Anybody opposed?

21 (No response.)

22 CHMN. KATZ: Hearing silence on the opposition,
23 it does pass.

24 And we need to go back. It was either I think
25 the first or second page where we need to take our vote,

1 and that's going to be a roll call vote.

2 MEMBER PALMER: Mr. Chairman.

3 CHMN. KATZ: Yes, sir.

4 MEMBER PALMER: Might I make a motion to
5 authorize the chairman to make any -- correct any
6 grammatical scrivener's errors at the conclusion of this.

7 MEMBER HAENICHEN: I'll second that.

8 CHMN. KATZ: Any discussion?

9 (No response.)

10 CHMN. KATZ: All in favor?

11 (A chorus of "ayes.")

12 CHMN. KATZ: Anybody opposed?

13 (No response.)

14 CHMN. KATZ: And what I do before signing this
15 is make sure that we don't have any typographical or
16 grammatical or scrivener errors. And hopefully Tod, my
17 second set of eyes, and I will be able to discern
18 anything that needs minor correction but doesn't change
19 anything substantively.

20 Now, we're going to have to take a vote. Read
21 on page -- is this page 2 or page 1? But, anyway, it's
22 right before the overview of the project, "And at the
23 conclusion of the hearing, the Committee after
24 considering application, evidence, testimony, et cetera,
25 approves or disapproves." And we're going to need to

1 take a vote.

2 So I'm going to start to my immediate left and
3 ask Member Little if she would to say aye or nay.

4 MEMBER LITTLE: I would first like to thank
5 everyone involved in this, applicant and the intervenor,
6 and particularly express my appreciation of everyone's
7 willingness to work together and find a solution that is
8 in everyone's -- that everyone is happy with, or at least
9 reasonably happy with. And thank you all.

10 And with that, I vote aye.

11 CHMN. KATZ: Member Hamway.

12 MEMBER HAMWAY: Yes. Thank you. I want to echo
13 Member Little's comments about, you know, the
14 cooperation.

15 I have to tell you that when I was listening to
16 this, the recurrent issue kind of reminded me of a
17 Norwegian fairy tale called Three Billy Goats Gruff. And
18 you're all probably too young to even remember it, but
19 you should Google it. And I'm kind of troubled by that,
20 but you found a way around it.

21 But I just have an issue with a private company
22 blocking access to a substation that is regulated by the
23 Corporation Commission. So I just want to put that out
24 there. I don't obviously have any details about that.
25 But just sitting here, I was troubled by that.

1 And with that, I want to thank you all for
2 coming to an agreement. I think that's really important.

3 And with that, I vote aye.

4 CHMN. KATZ: Member Palmer.

5 MEMBER PALMER: Thank you, Mr. Chairman.

6 And I will echo what's been said. You know, we
7 come here and often there are differing opinions on what
8 makes a good project, what makes the best project, and
9 quite often, not to coin an old phrase out in my part of
10 the world, depends on whose ox is being gored. And when
11 people come together and compromise, we always end up
12 with a better project. And I appreciate that that
13 happened in this case. And I appreciate a great job by
14 the applicant, the intervenor, and all the parties
15 involved.

16 And with that, I vote aye.

17 CHMN. KATZ: Thank you.

18 Mr. French.

19 MEMBER FRENCH: I vote aye.

20 CHMN. KATZ: And Mr. Haenichen.

21 MEMBER HAENICHEN: I vote aye.

22 CHMN. KATZ: Mr. Grinnell.

23 MEMBER GRINNELL: Just a couple comments.

24 Number one, my very first case here was up in
25 Kingman, and for those of us that were here, that was a

1 very challenging case. But the parties came together
2 much earlier in the process instead of waiting till the
3 last minute to get things done. And it taught me a
4 valuable lesson. Be prepared to be successful up front.

5 The challenges that this project is going to
6 face down the road concern me. And we are taking on
7 cases, and we're being inundated with case after case
8 after case. And I'm hoping that somehow the message
9 could be put forward.

10 And this is nothing against the applicant or
11 counsel or anybody personally, but this is a process
12 that's time consuming to everybody. And I think it's
13 important that more of this preemptive discussions be had
14 before it comes to this Committee so to avoid the (audio
15 difficulties) that we addressed today. I'm glad they
16 came to a solution.

17 And I will say this about private property
18 rights. To have somebody, a private landowner, to be
19 willing to stand up for his or her own property and the
20 betterment of that property and the proper use of that
21 asset is every much a right under the law of property
22 rights. So I think that we need to balance individual
23 rights and be sure that we're understanding the full
24 scope of a situation before we enter into these hearings
25 in the first place.

1 So, with that, I'm going to support the project,
2 and I wish them all the best. Thank you.

3 CHMN. KATZ: And Mr. Gentles.

4 MEMBER GENTLES: Just a couple quick comments.

5 I, too, echo what has been said previously. I
6 would certainly like to see that the negotiations are
7 complete before they get to us. It seems in a few of
8 these cases we've had to be the almost arbitrator here,
9 which I don't feel like is our place. I'd rather see
10 that get worked out before they come here.

11 And then also I think there needs to be, you
12 know, a little bit more, I don't know, a little more due
13 diligence or transparency, what have you, to identify the
14 issues before they get here. For instance, not knowing
15 that there's a, you know, a strip in the middle of where
16 they want to put the line just kind of baffles me that
17 that wasn't seen prior to coming to the Committee.

18 So with that, though, I do like the project.
19 Best of luck to the applicant and others, and to the
20 private landowners.

21 And I vote aye.

22 CHMN. KATZ: And, again, I echo everything that
23 has been said. I appreciate the preparation that the
24 applicant had in this matter as well as the preparation
25 that the intervenors have shown in the hearing over the

1 last several days.

2 It would always be ideal to have things resolved
3 well in advance of coming to the courthouse steps, so to
4 speak. But it's not always possible until push comes to
5 shove. And I do understand and appreciate that.

6 This is one of the hearings that irrespective of
7 any revisions to the statutes or rules would have had to
8 have been heard. But we have many of them. I have a
9 475-foot line with three poles that we're going to have
10 to hear in connection with SRP that's almost adjacent to
11 the substation, and it's absurd.

12 But the statutes were written in the 1970s when
13 hydrocarbons and nuclear power were about the only
14 sources of energy. The legislature in its wisdom or
15 stupidity, and I'll let the public decide which it is,
16 has basically allowed solar and wind development to go
17 unregulated. And in a way that's a nice incentive for
18 those who want to engage in private enterprise to do so.
19 But the fact of the matter is is that we might be at a
20 point, and if I offend anybody, I don't care, that we
21 need to have some regulation of solar facilities.

22 I also work for the land department, and I have
23 recused myself from reviewing any solar or wind rights of
24 way or leases for solar and wind. But I do speak with
25 Rueben Ojeda on other right of way matters. There are

1 now, I understand, 230 applications for solar facilities,
2 all of which are going to need gen-tie lines.

3 I also have recognized from these hearings as
4 well as the feedback I've gotten from the land department
5 that there are people that are playing games with one
6 another. And I'm not saying the applicants here in any
7 way involved with that. Without naming names, we
8 approved recently for a party who previously blocked
9 another party's access and wanted \$65 million for a
10 narrow right of way on the edge of their property saying
11 it would interfere with their solar project and couldn't
12 explain how or why it would interfere. It was wrong.

13 But there is no authority for condemnation when
14 private utilities are being built. Only the three major
15 utilities, as far as I'm aware, TEP, SRP, and APS, have
16 that authority to condemn, and that results in a fair
17 compensation in most instances to the landowner.

18 So we do have some problems that weren't
19 foreseen when this whole thing got started.

20 What I resent are not legitimate developers
21 protecting their own interests in legitimate competition.
22 But we have people that are buying up properties
23 deliberately to block access by solar and wind farms to
24 the power lines that are needed to hook into the grid.
25 Enough said on that.

1 I vote aye. And that makes we have an eight to
2 zero ruling in favor of approving this CEC as modified.

3 I thank everybody. And I have a few more of
4 these where I'll see some of you. But if all goes as
5 planned, I'll be going through my second retirement the
6 end of February. But thank you all. And I look forward
7 to the next couple of months in working with some of you.
8 We do stand in recess.

9 (Hearing was concluded at 12:16 p.m.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that the foregoing proceedings were
4 taken before me; that the foregoing pages are a full,
5 true, and accurate record of the proceedings, all done to
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12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and
14 ACJA 7-206(J)(1)(g)(1) and (2).

15 Dated at Phoenix, Arizona, this 28th day of October,
16 2022.

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