

1 BEFORE THE ARIZONA POWER PLANT LS-243

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION ) DOCKET NO.  
 5 OF MARICOPA ENERGY CENTER, LLC, ) L-21206A-22-0243-00207  
 6 OR ITS ASSIGNEES, IN CONFORMANCE )  
 7 WITH THE REQUIREMENTS OF A.R.S. ) LS CASE NO. 207  
 8 § 40-360, et seq., FOR A )  
 9 CERTIFICATE OF ENVIRONMENTAL )  
 10 COMPATIBILITY AUTHORIZING THE )  
 11 MARICOPA ENERGY CENTER 500KV )  
 12 TRANSMISSION LINE PROJECT. ) PREFILING CONFERENCE  
 13 \_\_\_\_\_ )

10 At: Phoenix, Arizona

11 Date: August 29, 2022

12 Filed: September 15, 2022

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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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By: Carolyn T. Sullivan, RPR  
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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, commencing at 3:03 p.m. on the 29th day of  
5 August, 2022, with all participants appearing via  
6 videoconference.

7

8 BEFORE: PAUL A. KATZ, Chairman

9

10 APPEARANCES:

11 For the Applicant:

12 OSBORN MALEDON, P.A.  
13 Ms. Meghan H. Grabel  
14 Mr. Elias J. Ancharski  
2929 North Central Avenue, 21st Floor  
15 Phoenix, Arizona 85012

15

16 ALSO PRESENT:

17 Mr. Marcus de Cunha, Ellwood Land Holdings,  
Project Manager  
18 Ms. Jennifer Skulstad, Wood, Consultant  
Mr. Richard Knox, Wood, Consultant  
19 Mr. Chris Powers, Ellwood Land Holdings  
Ms. Emily Truebner, Ellwood Land Holdings  
20 Mr. Tod Brewer, Assistant to Chairman Katz  
Ms. Lisa Glennie, Glennie Reporting Services  
21 Ms. Marta Hetzer, Glennie Reporting Services

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1 CHMN KATZ: We are on the record for the  
2 prefiling conference in the application of Ellwood Land  
3 Holdings, Maricopa Solar and Storage.

4 And I will ask Meghan Grabel, who I see present,  
5 to identify herself for our record, as I believe she is  
6 counsel for the applicant. And then you can introduce  
7 anybody else that you think we need to show appearing on  
8 our record.

9 MS. GRABEL: Thank you, Mr. Chairman. This is  
10 Meghan Grabel from Osborn Maledon. I do represent  
11 Ellwood Land Holdings, and the project is actually called  
12 the Maricopa 500kV Transmission Line Project. And it  
13 supports and interconnects to the Maricopa Solar and  
14 Storage Project, which is the project you referenced  
15 earlier.

16 CHMN KATZ: Okay. So give me the name again  
17 because I don't take shorthand. Maricopa --

18 MS. GRABEL: No problem. Maricopa 500kV  
19 Transmission Line Project. That's the name of the  
20 gen-tie.

21 CHMN KATZ: Okay.

22 MS. GRABEL: So with me on the call is Elias  
23 Ancharski. He is an attorney at my law firm as well.

24 Also on the call on the Ellwood team is Marcus  
25 de Cunha. He is the project manager for Ellwood on this

1 project.

2 We also have -- who else do we have. We have  
3 Jennifer Skulstad from Wood, Richard Knox from Wood.  
4 They're both consultants working on the project.

5 And Chris Powers, who is also on the Ellwood  
6 team.

7 Oh, and Emily Truebner. Sorry, I missed you as  
8 well, Emily.

9 If I'm missing anybody else on the team, please  
10 speak up.

11 I think I got everybody, Mr. Chairman.

12 CHMN KATZ: That's fine. And I haven't received  
13 any pleadings to suggest as much, but are there any  
14 possible intervenors?

15 MS. GRABEL: We do have one landowner in the  
16 area, Mr. Chairman, the owner of Martori Farms. We're  
17 hoping to reach a resolution with him on the issue that  
18 he has with the location of the routes that we've  
19 proposed. We're working with him. It's possible -- in  
20 fact, it's probably likely he'll intervene. Hopefully it  
21 will be an amicable intervention, but we'll know that  
22 sooner rather than later.

23 CHMN KATZ: Okay.

24 And has there been much, if any, public interest  
25 shown either by way of any -- I don't know that you've

1 had any virtual open houses or much of anything done yet  
2 because the application hasn't been filed. But from your  
3 perspective, have any members of the public or any  
4 governmental entities that might be affected expressed  
5 any concerns?

6 MS. GRABEL: We have had two open houses,  
7 Mr. Chairman, and really the only interested party has  
8 been Mr. Martori. We've had various emails asking about  
9 the location of the project, but no one really expressing  
10 concerns other than the potential intervenor.

11 CHMN KATZ: And we have Maricopa County or some  
12 of its subparts, like Flood Control, etc. Who are  
13 they -- what are the affected jurisdictions other than  
14 Maricopa County?

15 MS. GRABEL: We think the only two affected  
16 jurisdictions are Maricopa County and the Arizona State  
17 Land Department. Those are similar -- as you know, this  
18 location has been a highly kind of congested energy  
19 corridor around Delaney Substation, and those are the two  
20 affected jurisdictions of other projects that were  
21 similarly situated to this one.

22 CHMN KATZ: And I think I -- you're well aware  
23 of the fact that I also represent the State Land  
24 Department, but I refrain from approving or disapproving  
25 or commenting on any proposed rights-of-way for power

1 lines or transmission lines. And I can also say from my  
2 experience with the department, even before I was on the  
3 Committee, is that once a corridor is given for a  
4 particular purpose, the Land Department usually doesn't  
5 have much of any interest unless it's receiving some  
6 complaints from adjacent neighbors. So they are usually  
7 quiet on these things because they wouldn't have granted  
8 a right-of-way within a defined corridor if they didn't  
9 feel comfortable. And they also assume, just as we all  
10 do, that the applicant will have all required state,  
11 local, and federal permits before commencing  
12 construction.

13 MS. GRABEL: That's correct, Mr. Chairman.

14 My client just reminded me that the Department  
15 of Transportation and the Maricopa County Flood Control  
16 District also might be considered affected jurisdictions,  
17 and we can include them in the list if you think that  
18 that's appropriate.

19 CHMN KATZ: Are we talking about County  
20 Transportation?

21 MS. GRABEL: Is it County or -- it is County.

22 CHMN KATZ: Because I just consider it Maricopa  
23 County, and I figure they're smart enough to get notice  
24 to any of the affected agencies within the County.

25 MS. GRABEL: Fair enough.

1 CHMN KATZ: Okay. But you're always welcome to  
2 err on the side of caution if you think special notice  
3 needs to be given to either Transportation or Flood  
4 Control.

5 MS. GRABEL: Thank you.

6 CHMN KATZ: I don't recall, Tod, did we already  
7 get a draft Notice of Hearing, and did I approve it yet  
8 or not?

9 MR. BREWER: Mr. Chairman, I believe that that  
10 may be one of Ms. Grabel's exhibits for this matter.

11 MS. GRABEL: That is Exhibit B, Mr. Chairman.

12 CHMN KATZ: Okay. And the reason that you're  
13 seeing me dressed informally and I'm looking like I'm at  
14 home, it's because last week, they tore out all of our  
15 file cabinets and the cubby holes and are putting in new  
16 file cabinets, whether we need them or not, and new, I'd  
17 say, cubby holes or whatever staff support sections. And  
18 it was supposed to be done last Friday. I got a call  
19 from David Jacobs, who is the head of our section, that  
20 it wasn't safe to come in today. He was there till 5:00  
21 last week, and they were drilling holes in metal.

22 Anyway, I'll take a look at that Notice of  
23 Hearing and I'll collaborate with Tod, and we'll get it  
24 approved as quickly as possible.

25 What newspapers, if any, have you published



1 your -- anything at this juncture?

2 MS. GRABEL: We haven't published anything yet,  
3 Mr. Chairman.

4 CHMN KATZ: Right. We don't have the Notice of  
5 Hearing yet. So where will you be publishing?

6 MS. GRABEL: Our thought was to publish in The  
7 Arizona Republic since this is a larger project and that  
8 covers the state. That way we make sure we don't miss  
9 any deadlines by relying on a local newspaper and we  
10 cover all the grounds we need to.

11 CHMN KATZ: Right. And because I'm working from  
12 home, even though I expected to be back in the office, I  
13 have received your exhibits that you wanted to be  
14 included in this hearing today, but I didn't print them  
15 all. And I saw two maps amongst those exhibits. So I'm  
16 assuming one of them shows the sign locations?

17 MS. GRABEL: Exactly. That's Exhibit C,  
18 Mr. Chairman.

19 CHMN KATZ: D as in David?

20 MS. GRABEL: C as in cat.

21 CHMN KATZ: Okay.

22 MS. GRABEL: And as you'll see, we have two  
23 alternative routes. Both of them are between 5 and 8.5  
24 miles, depending on the route chosen.

25 And on Alternative A, we have proposed roughly

1 one, two, three, four, five signs to run along that  
2 roughly 5-to-8-mile route, part of which we don't have a  
3 sign running along the SaddleBrooke flood retardant  
4 structure simply because there's no vehicular access  
5 there, so it doesn't make sense to put the sign where no  
6 one's going to see it.

7 And then along Alternative B, we actually have  
8 six signs, roughly one sign per mile, give or take.

9 CHMN KATZ: Tod, what -- I don't have my list.  
10 What time frame did we indicate we would likely be in a  
11 position to hear this matter?

12 MR. BREWER: Give me just one moment,  
13 Mr. Chairman, please.

14 CHMN KATZ: Sure. Take your time.

15 MR. BREWER: This would be for Monday, October  
16 the 24th, through Friday, October the 28th.

17 CHMN KATZ: And does that time frame work with  
18 you and your clients, Ms. Grabel?

19 MS. GRABEL: Yes, Chairman. We've actually put  
20 our timeline together assuming those were the hearing  
21 dates.

22 CHMN KATZ: Okay. And do we have a location as  
23 of yet or not?

24 MS. GRABEL: We do. It's the Hampton Inn &  
25 Suites in Phoenix-Goodyear, and I can give you the

1 address if you'd like it.

2 CHMN KATZ: I don't need it today. That's the  
3 third time we're having a hearing there.

4 MS. GRABEL: All right. It's a good location  
5 for a line siting hearing. Very convenient.

6 CHMN KATZ: Right, it is. And I can actually  
7 sleep in my own bed.

8 And I'm assuming, obviously, that there will be  
9 lodging for any of the out-of-town Committee members and,  
10 obviously, for any staff that you feel need to be housed?

11 MS. GRABEL: Yes, Mr. Chairman. We already have  
12 a block of rooms reserved, and we've worked with Tod to  
13 give him information as to how the Committee members can  
14 make reservations if they need to.

15 CHMN KATZ: Okay. And do you think that we're  
16 going to need a tour of this line?

17 MS. GRABEL: I truly don't, Mr. Chairman. As I  
18 said, this is a highly congested energy corridor.  
19 There's lots of projects there. It's generally very  
20 rural. And we'll have a virtual tour for the Committee  
21 to see.

22 The tour's kind of far away. As I mentioned,  
23 it's near Delaney Substation. So I think taking a tour  
24 is probably going to add at least half a day, if not a  
25 full day, to the hearing. I don't think it's needed,

1 but, again, I know it's up to the discretion of the  
2 Committee; and we'll have one ready if the Committee  
3 determines they want one.

4 CHMN KATZ: And are we having any substations or  
5 switchyards in addition to the power lines as part of  
6 this project?

7 MS. GRABEL: Yes. There is one 500kV  
8 switchyard.

9 CHMN KATZ: Okay. And I don't think we'll want  
10 a tour. The only time that I really feel on gen-tie  
11 projects that a tour is very helpful is when we're  
12 running adjacent to or through a residential area or a  
13 subdivision. But if it's pretty much rural or it's where  
14 we already have substantial number of power lines, I'm  
15 not overwhelmingly concerned. It will be up to the  
16 Committee, but you'll have a virtual tour prepared for  
17 us, correct?

18 MS. GRABEL: We will, yes, and we'll provide  
19 that to the Committee either way.

20 CHMN KATZ: And, Tod, when do we want to set a  
21 prehearing conference?

22 MR. BREWER: Mr. Chairman, we have this  
23 currently scheduled for October the 18th at 2:00 p.m.

24 CHMN KATZ: Does that work for you and your  
25 client, Ms. Grabel?

1 MS. GRABEL: It does. Thank you, Chairman.

2 CHMN KATZ: Okay.

3 There are no ongoing litigation disputes  
4 regarding this project, I'm assuming?

5 MS. GRABEL: No, there are not.

6 CHMN KATZ: And I always like, if we haven't  
7 already received it, but I don't think we have, I like to  
8 get a hard copy of the application even though we don't  
9 need one for every Committee member because I'm assuming  
10 you'll have tablets available with the exhibits loaded  
11 for viewing by the Committee and/or we'll be projecting  
12 them on the screen for us to view as witnesses are  
13 testifying. But I would like to have one hard copy of  
14 that application, and I think the court reporter also  
15 would like it.

16 MS. GRABEL: Actually, Mr. Chairman, I think we  
17 will have hard copies for everyone. Because this is an  
18 applicant that doesn't routinely appear before the  
19 Committee, I didn't think it was necessary for the client  
20 to invest in iPads to give the presentation.

21 CHMN KATZ: Okay.

22 MS. GRABEL: So we'll have hard copies for  
23 everyone.

24 CHMN KATZ: That's fine.

25 As long as we have hard copies and if you're

1 going to be projecting any of the exhibits on the screen  
2 and you know how to number them, so far, you're the only  
3 party, so we can just have it listed as Maricopa 500kV or  
4 Maricopa 500kV-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, however  
5 many exhibits you intend on going to present.

6 And we can go ahead, I'll work with Tod, who is  
7 good at drafting the Procedural Order, and I'll dot the  
8 I's and cross the T's.

9 And at some point in time before the hearing,  
10 we're going to want to get a draft of the CEC by the time  
11 of the prehearing conference, if not sooner.

12 MS. GRABEL: Absolutely, Mr. Chairman.

13 CHMN KATZ: And we'll start -- as our usual time  
14 to deal with the out-of-town guests, we will start at  
15 1 p.m. and run till 4:30 or 5, and then we'll have public  
16 comments at 5:30 on the first day. If we don't finish  
17 the comments on the first day, we would probably finish  
18 them up the first thing in the morning on Tuesday. So I  
19 think that that will be our likely schedule.

20 And our public comments will be 5 -- I think I  
21 already said that, 5:30 after we're done on the first day  
22 and continuing to the next day if need be.

23 And if we have any public officials from any of  
24 the county agencies, they will be given the first rights  
25 to speak before any members of the general public.

1           Are there currently any issues regarding any  
2 state, federal, city, or town required permits or  
3 applications?

4           MS. GRABEL: No, Mr. Chairman. I know we filed  
5 all of the requisite permits that we need to, and we're  
6 in the process of securing them. There are no issues  
7 that I'm aware of.

8           CHMN KATZ: And you've indicated that we're not  
9 going to have laptops for all the Committee. We'll have  
10 hard copies. But I'm assuming that we will have good  
11 WiFi access with one of the usual teams that does these  
12 hearings so that the public can observe and, where  
13 appropriate, intervene or comment?

14          MS. GRABEL: Yes, Mr. Chairman.

15          MR. ANCHARSKI: Mr. Chairman, this is Elias  
16 Ancharski.

17          CHMN. KATZ: Yes.

18          MR. ANCHARSKI: We also intend to put the  
19 exhibits and the application on flash drives as well. So  
20 for those Committee members that do have personal  
21 computers or anything like that, those would be  
22 accessible fairly easy.

23          CHMN KATZ: And that's always helpful. I always  
24 bring a laptop, but I frequently have so much information  
25 already available that I usually don't open it. But if

1 need be, I will have my laptop with me, and most of the  
2 Committee members I believe have laptops with them.

3 And our court reporter, the firm, would like to  
4 have final transcripts of conferences and hearings posted  
5 to the applicant's website. So when you get those  
6 transcripts from Carolyn or her firm, you will please  
7 post them on your client's website so that the public has  
8 access to them.

9 MS. GRABEL: Right.

10 CHMN KATZ: And are there any other matters that  
11 I've failed to cover that you have concerns about?

12 MS. GRABEL: I guess the only thing that I have  
13 in my notes that you typically ask are where we'll make  
14 copies of the CEC available. So just for the record, we  
15 intend to place them at the ACC Docket Control Center in  
16 Phoenix, at the Maricopa County Board of Supervisors'  
17 Office, the Buckeye Public Library, and the project  
18 website.

19 CHMN KATZ: Thank you very much.

20 And, Tod, have I, in a moment of senility or  
21 seniority, whichever you want to say, forgot to cover  
22 anything?

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

24 CHMN KATZ: I want to thank you all very much.

25 And I may be having back surgery on Wednesday. It's a



1 minimally invasive procedure, but I'm hoping -- we have a  
2 hearing starting a week from tomorrow, and I should be up  
3 and about by then. So we will see. Otherwise, I can  
4 always appear virtually, but I should be completely well  
5 healed by the time your matter comes on for hearing.

6 MS. GRABEL: Good luck.

7 And, Mr. Chairman, I'm sorry to hear you're  
8 retiring. I'm happy for you, but I'm sorry for all of  
9 us.

10 CHMN KATZ: Well, I have mixed feelings because  
11 I retired from the bench at age 60. I could have done it  
12 at age 58. But then I spent about 14 months in the  
13 County Public Defender's Office and went crazy because  
14 I'm not young enough to do that anymore. And I spent  
15 about ten years with the AG's Office. I may stay on part  
16 time, but the line siting -- we're trying to get some  
17 changes made, but it's going to be a big burden.

18 I think that too many of the CECs require a  
19 hearing of the full Committee because the statutes never  
20 contemplated that we'd be primarily looking at gen-tie  
21 lines, often that are relatively short in distance and  
22 running through existing corridors or through vacant raw  
23 land. But I'm -- with the elections coming up, we had --  
24 I had a meeting with the head of the Corporation  
25 Commission, and we made some suggestions. They're going

1 to work on it, but there will be a change in the members  
2 of the Commission, and it seems like legislation takes  
3 for years to get done.

4 But Tom Chenal convinced me that if I took this  
5 assignment on, it would be two to four of these hearings  
6 a year. I've done 12 or 13 of them since last September.  
7 So it's a bit much to be doing that and having a  
8 full-time other job.

9 So, anyway, I've enjoyed working with you, and  
10 you'll be seeing me for several more months. So thanks  
11 for your good wishes, and we'll see you soon.

12 MS. GRABEL: Bye. Thank you.

13 CHMN KATZ: Bye, everyone.

14 (The prefiling conference concluded at  
15 3:22 p.m.)

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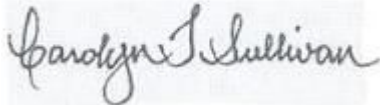
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2 COUNTY OF MARICOPA )

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16 2022.

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