

1 BEFORE THE ARIZONA POWER PLANT LS-253

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. ) PREHEARING CONFERENCE  
 13 \_\_\_\_\_ )

10 At: Phoenix, Arizona

11 Date: October 20, 2022

12 Filed: October 25, 2022

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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 (Pages 1 through 26)

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INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED
	(NONE)	

1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Power Plant and Transmission Line Siting  
4 Committee, commencing at 3:03 p.m. on the 20th day of  
5 october, 2022, with all participants appearing via  
6 videoconference.

7

8 BEFORE: PAUL A. KATZ, Chairman

9

APPEARANCES:

10

For the Applicant:

11

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

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For Potential Intervenor Courthouse Ag Holdings, LLC

15

CLARK HILL PLC  
Mr. Daniel S. Herder  
3200 North Central Avenue  
Suite 1600  
Phoenix, Arizona 85012

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18

ALSO PRESENT:

19

Mr. Marcus de Cunha, Savion Energy  
Ms. Patty Varra, Savion Energy  
Mr. Adam Williams, Savion Energy  
Ms. Jennifer Skulstad, Wood Group  
Mr. Richard Knox, Wood, Consultant  
Mr. Chris Powers, Ellwood Land Holdings  
Mr. Dean Miller, Courthouse Ag Holdings  
Mr. Tom Anson, Courthouse Ag Holdings  
Mr. Tod Brewer, Assistant to Chairman Katz  
Ms. Lisa Glennie, Glennie Reporting Services  
Ms. Marta Hetzer, Glennie Reporting Services

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1 CHMN. KATZ: Okay. We can go on the record.

2 And I'll have at least the attorneys who are  
3 appearing for the applicant first and any attorney who's  
4 covering today for the Courthouse Ag potential  
5 intervenor.

6 We'll go on the record. And this is prehearing  
7 conference for CEC-207, the Maricopa County (sic) Energy  
8 Center 500 kV transmission line project.

9 And I first would ask the attorney for the  
10 applicant if she would to please identify herself. I  
11 don't think you need to identify, at least at this time,  
12 all of the folks that are representing your client unless  
13 we need to hear from them. But go ahead and introduce  
14 yourself, if you would.

15 MS. GRABEL: Thank you, Chairman Katz.

16 Meghan Grabel of Osborn Maledon on behalf of  
17 Maricopa Energy Center, LLC. And with me from my firm is  
18 Elias Ancharski, my colleague.

19 CHMN. KATZ: Welcome, Mr. Ancharski.

20 MR. ANCHARSKI: Good afternoon, Chairman.

21 CHMN. KATZ: And I believe we have a potential  
22 intervenor. And I say potential because it's ultimately  
23 up to the Committee at the time of the hearing to decide  
24 whether or not to allow intervention. In my about  
25 13 months doing this, I haven't had a legitimate, or for

1 that matter any, intervenor denied the opportunity to  
2 participate.

3 I would ask counsel who's present today on  
4 behalf of the Courthouse Ag, LLC, group, if he would, to  
5 please identify himself for the record.

6 MR. HERDER: Good afternoon and thank you,  
7 Chair.

8 My name is Daniel Herder of Clark Hill  
9 substituting for Sean Carroll. And, as you noted, I'm  
10 here as representing potential intervenor, Courthouse Ag  
11 Holdings, LLC. Thank you.

12 CHMN. KATZ: And will it be Sheryl -- Sean  
13 Carroll or Sheryl Sweeney, or will they both be present,  
14 likely, at Monday's hearing?

15 MR. HERDER: I can confirm Sean Carroll intends  
16 to lead the presentation, at least. I'm not able to say  
17 for sure how Sheryl will be assisting.

18 CHMN. KATZ: And as I noted, the request to  
19 intervene will be decided by the Committee, but I don't  
20 see any reason, particularly in light of the stipulations  
21 that have been filed, that we wouldn't allow the  
22 intervention to take place. But that will ultimately be  
23 left to our ten-member Committee or at least a core of  
24 that Committee if they're -- I'm assuming we'll have at  
25 least a quorum if not all ten.

1           And let me just ask you, if you know,  
2 Mr. Herder, would your client be intending more likely  
3 than not to cross-examine all of the witnesses or many of  
4 the witnesses that the applicant would be calling as well  
5 as present your own evidence and testimony?

6           MR. HERDER: That's correct. Yes, I anticipate  
7 that both cross and direct will occur. Thank you.

8           CHMN. KATZ: Okay. And right now, we are set to  
9 begin at 1:00 p.m. next Monday. I believe the date is  
10 the 24th. And we begin at one o'clock because we have  
11 people traveling from out counties including potentially  
12 Tucson, Heber, Arizona, and Safford, Arizona. So we  
13 usually start at one to allow folks to get settled.  
14 We'll go from about one till 4:30 or five. We'll  
15 probably have one afternoon break in between that  
16 session. And we have public comments, if any, at 5:30.

17           And the Committee, obviously once the CEC is  
18 approved, would have to act in compliance with  
19 40-360.04(D) on or before March 8 of 2022. But we're  
20 going to make a decision at the close of the evidence,  
21 and it will then take just a few days to get a final CEC,  
22 if one is to be issued, one or two of them are to be  
23 issued, signed in accord with the votes and deliberations  
24 of the Committee.

25           And have, Ms. Grabel, have all of the

1 potentially affected jurisdictions been notified in  
2 accord with the Procedural Order and the Rules?

3 MS. GRABEL: Yes, Mr. Chairman. Maricopa County  
4 and the Arizona State Land Department were the affected  
5 jurisdictions identified during the prefiling conference,  
6 and both have been notified.

7 CHMN. KATZ: Okay. In my experience, because I  
8 also represent them but don't touch line siting or power  
9 plant issues with the line department, but they usually  
10 do not participate once a right-of-way or lease has been  
11 issued. So I wouldn't expect them to be present. I  
12 don't know whether Maricopa County will want to make a  
13 public comment or not one way or the other.

14 But -- and what, if any, efforts have been made  
15 by the applicant for the posting of signs and the  
16 publishing requirements that are set forth in the  
17 Procedural Order and are required pursuant to A.R.S.  
18 Section 40-306.04(A)?

19 MS. GRABEL: Thank you, again, Mr. Chairman. We  
20 did file -- publish notice on November 16 and 17 in the  
21 Arizona Republic within the time frame required by the  
22 statute. We have also noticed postings in compliance  
23 with statute on September 19 in nine different locations  
24 along the two proposed routes.

25 CHMN. KATZ: Okay. And I'm assuming that the

1 applicant has maintained a website that is accessible by  
2 the public? I don't know if they've done any virtual  
3 open houses or presentations or have had a phone number  
4 or a means by which members of the public could  
5 communicate with the applicant?

6 MS. GRABEL: Yes, Chairman, we have done all of  
7 the above. We've had two different public comment  
8 sessions, and we have also maintained a project website  
9 that we update continuously as matters continue to unfold  
10 during the hearing process.

11 CHMN. KATZ: And I signed off on the agenda, and  
12 it was filed at the same time the Notice of Hearing was  
13 returned to the applicant for proper filing and  
14 publication. I'm assuming it's pretty much the standard  
15 agenda. Was there anything that you or the potential  
16 intervenor wanted to add to that agenda?

17 MS. GRABEL: Nothing from the applicant,  
18 Mr. Chairman.

19 MR. HERDER: If I may, and if -- as you're  
20 adjusting the agenda, I do want to take a moment to raise  
21 that we have discussed with the applicant to call one  
22 witness on our behalf, Mr. Steve Martori, on day one  
23 roughly at 3:00 p.m. So he'll be taken out of order at a  
24 time that is suitable to being there.

25 CHMN. KATZ: That's fine. And that is all



1 consistent with the posted agenda. Obviously,  
2 intervenors have the right to cross-examine and to call  
3 witnesses. And when parties cooperate to allow them to  
4 go out of order, the pieces of the puzzle will ultimately  
5 come together, and hopefully we'll make a good decision.

6 We know that the hearing dates are next week,  
7 the 24th through possibly the 26th. I'm assuming that  
8 we'll be done within that time frame?

9 MS. GRABEL: Chairman Katz, one thing. I don't  
10 know if you've seen the intervenor's filings, but they're  
11 pretty robust, more robust than most interventions that  
12 I've seen on line siting matters. They have three  
13 witnesses, and as Mr. Herder testified, he intends to  
14 cross-examine and put witnesses on.

15 I hope that we are done by the 26th. That's two  
16 and a half days. I think that if we take a tour, an  
17 actual physical tour, we run into a significant  
18 likelihood that we will not be done. And I don't see any  
19 notice that would allow the hearing to go after that.  
20 And so I know we can talk about this later, but I think  
21 that's something we need to consider as we're deciding  
22 whether to rely on the virtual tour or if you want to  
23 take a physical tour.

24 CHMN. KATZ: And are you recommending that an  
25 actual tour be taken? Is this all pretty much on -- I

1 mean on agricultural lands or grazing lands?

2 MS. GRABEL: We are not recommending that a  
3 physical tour be taken. It's not only on all  
4 agricultural or public lands -- some private land too,  
5 but nothing that's, you know, commercial or residential.  
6 It's also in a very heavily congested energy corridor  
7 that this Committee has seen many times. There's a lot  
8 of the interconnections in to Delaney. We've seen  
9 projects, the RE Papago project you saw last year, the HV  
10 Sunrise project you saw earlier this year. It's all in  
11 the same vicinity.

12 And so we believe that a virtual tour should  
13 probably -- should probably suffice and that the timing  
14 constraints outweigh any potential that you would need to  
15 actually go out and take a look at this very, you know,  
16 rural landscape.

17 CHMN. KATZ: And I generally find that personal  
18 tours, unless we're running through or very close to  
19 residential neighborhoods, that they're not all that  
20 useful in gen-tie projects. I don't know what the  
21 intervenor's position is, but I'd just as soon have a  
22 virtual tour as a personal tour. But that's another  
23 issue that has to be resolved by the Committee.

24 And I'll rely on the fact that I'm still using a  
25 walker post-surgery. We can use that as an excuse to not

1 want to do a lot of hiking or walking, although I'm  
2 feeling just fine.

3 MR. HERDER: If I may, I understand this is to  
4 be left to the hearing, but I would like to indicate that  
5 proposed intervenors have no opposition to a virtual  
6 walkthrough. We agree.

7 MS. GRABEL: And, Chairman Katz, if I may real  
8 quickly. So, you know, the applicant is not one of the  
9 large vertically owned utilities in Arizona and doesn't  
10 have its own bus, so we've had to reserve a bus, and we  
11 lose our deposit after today. And I don't know if  
12 there's a way you can kind of tilt the scales one way or  
13 another at hearing so we don't have to reserve a bus we  
14 don't actually use. Obviously, I can't ask you to do  
15 that, but I'm going to float that out there as a  
16 potential issue.

17 CHMN. KATZ: Right. Well, I would think that we  
18 probably don't need a -- my experience on gen-ties,  
19 especially when they're in agricultural or raw land  
20 areas, that we don't need a tour unless it's going to  
21 interfere with, in any significant way, with traffic or  
22 residential neighborhoods or industrial or commercial  
23 operations. And it doesn't appear that that will occur.

24 And I've been on a couple of tours on that  
25 general west side area. So I'll have to -- I don't think

1 that we're going to need a tour, but I can't tell you  
2 whether we'll have some demands for it. But I also think  
3 it's not real worthwhile if we have a significant number  
4 of the line siting committee appearing virtually because  
5 they can't take that tour. So I'm not a big fan of tours  
6 unless we're dealing with very unique locations.

7 And I'm assuming that we'll have sign-in forms  
8 for public comments. The public will need to have posted  
9 on the applicant's website two separate links. And one  
10 is just the link to observe the proceedings and not be  
11 involved in participation. And then any public member  
12 that wants to participate virtually by way of public  
13 comments at 5:30, they need to be able to sign in to a  
14 link where they would be able to speak to us. I don't  
15 know whether there's been much public interest generated  
16 outside of the Martori folks.

17 Have you had a lot of public interest or any  
18 negative -- a significant number of negative letters,  
19 comment, e-mails, or otherwise?

20 MS. GRABEL: No, Chairman Katz, we have not  
21 other than the intervenor in this matter.

22 CHMN. KATZ: And I'm assuming there's no need  
23 for security. We've discussed the public comment  
24 session. Let me make a note to myself here. I'll  
25 recommend virtual tour.

1 We'll normally take a break about every  
2 90 minutes primarily to make sure we stay focused and  
3 also to save the hands and mind of our court reporter.

4 I'm assuming we'll have one of the regular IT  
5 companies working with us so we don't need to worry about  
6 the ability to make presentations or have Wi-Fi virtual  
7 participation?

8 MS. GRABEL: That's true, Chairman Katz. We're  
9 using the AV team that our firm has used the past few  
10 hearings.

11 CHMN. KATZ: And I would point out for those of  
12 you, particularly members of your firm, Mr. Herder, that  
13 you don't need to dress any -- you can't see me very  
14 well, but I'm in a polo shirt. Business casual is fine.

15 MR. HERDER: Thank you.

16 CHMN. KATZ: When I was on the bench, I may have  
17 yelled at you if you didn't have a jacket and tie on or a  
18 woman didn't have a proper suit or dress skirt and  
19 blouse, et cetera. For this hearing, you don't gain  
20 points by looking pretty. The Committee will be dressed  
21 in casual work-related attire or business casual.

22 And I don't need -- I don't think we need a --  
23 we're dealing with essentially two possible CECs, but we  
24 don't need a spreadsheet for different segments of this  
25 line; correct?

1 MS. GRABEL: Thank you, Mr. Chairman. Actually,  
2 we're only proposing one CEC but two routes contained in  
3 that one CEC. And the second will be built if the  
4 first -- which Alternative A is our preferred route. If  
5 that cannot be built, then we would pursue Alternative B.  
6 So we're not seeking a CEC for each route.

7 CHMN. KATZ: Right. And on Alternative A,  
8 there's a stipulation that would allow that to likely go  
9 forward pursuant to the terms and conditions of that  
10 stipulation?

11 MS. GRABEL: Correct.

12 CHMN. KATZ: But you're still reserving the  
13 right if for some reason it becomes impracticable or not  
14 feasible to build out Route A, you want to do Route B as  
15 an option?

16 MS. GRABEL: That is correct.

17 CHMN. KATZ: And that's something you won't be  
18 able to decide next week?

19 MS. GRABEL: No. We believe we're at an  
20 impasse, Mr. Chairman, with respect to Alternative B.

21 CHMN. KATZ: Okay. That's fine. That's why the  
22 intervenor will have an opportunity to present their  
23 cross-examination and witnesses.

24 But have the parties exchanged with each  
25 other -- they're supposed to do it on or before today --

1 witness or summaries of their respective witnesses'  
2 anticipated testimony?

3 MS. GRABEL: Mr. Chairman, yes, both parties  
4 provided exhibits yesterday. As I mentioned earlier, the  
5 intervenor's were quite robust, and we might have two or  
6 three additional pieces of evidence that we would put --  
7 file in the docket no later than tomorrow so that the  
8 intervenor is able to take a look at it that addresses  
9 some of the specific points that were raised that we  
10 didn't know about previously. But we will certainly do  
11 that as timely as possible.

12 CHMN. KATZ: And let me ask you, Tod, I'm  
13 assuming that those witness summaries or statements are  
14 included in the trial -- in the hearing notebook that you  
15 prepared for me, or not?

16 MR. BREWER: They are, Mr. Chairman.

17 CHMN. KATZ: Okay. And any new filings as I --  
18 are you going to be using tablets such as iPads for the  
19 presentation of exhibits?

20 MS. GRABEL: We are not. We have hard binders,  
21 and we'll give you hard copies of any exhibits and, of  
22 course, display them on the screen.

23 CHMN. KATZ: That's fine. I only need -- I'm  
24 usually the only one that needs a hard copy. But if we  
25 don't have tablets or the like, there should be hard

1 copies available for the members of the Committee who are  
2 present. And I think --

3 MR. ANCHARSKI: Mr. Chairman.

4 CHMN. KATZ: Yes.

5 MR. ANCHARSKI: This is Elias Ancharski, if I  
6 may interrupt. We did, when filing the exhibit binders,  
7 include a USB drive that also included all the exhibits.  
8 So for those Committee members that did want to load  
9 those up before hearing or have them on their personal  
10 devices, they can certainly do so with those -- with  
11 those USB drives.

12 CHMN. KATZ: And was that sent to all of the  
13 applicants that might be -- not applicants, all of the  
14 Committee members that might be appearing virtually?

15 MR. ANCHARSKI: So it was -- it was sent -- when  
16 we filed, you know, those, wherever they get sent to. I  
17 guess, I'm, frankly, not entirely sure where all 25  
18 copies end up.

19 CHMN. KATZ: It does -- yes.

20 MR. ANCHARSKI: But we did send everything to  
21 Tod as well. So I guess to the extent that if Committee  
22 members do want those, they can certainly, you know, ask  
23 Tod for them. Also, they are available on docket. So  
24 they're are places to find those electronic resources.

25 CHMN. KATZ: But they're not available virtually



1 for the outsiders to go, like, on the applicant's  
2 website?

3 MR. ANCHARSKI: We -- I think we probably will  
4 intend to put those exhibits on. I think typically  
5 that's done when we get the transcripts back because  
6 sometimes exhibits aren't admitted for whatever reason to  
7 have those.

8 But they have all been filed in the Corporation  
9 Commission eDocket, so anyone that has, I guess, Internet  
10 access can find those resources.

11 CHMN. KATZ: And I'm assuming, either  
12 Mr. Ancharski or Ms. Grabel, that you'll be projecting  
13 the exhibits as they are being used?

14 MS. GRABEL: That is correct, yes, Mr. Chairman.

15 CHMN. KATZ: I just want to make sure that if  
16 they're projected, both virtual and in-person Committee  
17 members will be able to see them as well as any members  
18 of the public that are appearing virtually.

19 MR. HERDER: Mr. Chair, if I may, I'll just  
20 clarify that potential intervenors have also prepared  
21 hard copy binders that we intend to provide to each  
22 member who's there in person. And we have provided  
23 digital copies to Tod and to your office. And if digital  
24 copies are needed, we'll find a way to provide it by USB.

25 CHMN. KATZ: Okay. And I'm assuming how -- I

1 have them, but I haven't looked at them. How did you  
2 label your exhibits, Ms. Grabel?

3 MS. GRABEL: They are exhibits MEC-1 through  
4 whatever they are.

5 CHMN. KATZ: That's fine. And I don't know how  
6 you have labeled yours, Counsel for the intervenor.

7 MR. HERDER: Off the top of my head, I believe  
8 it was CAG, initials for Courthouse Ag Holdings, dash,  
9 Exhibits 1, 2, 3.

10 CHMN. KATZ: That's fine. That's the way we  
11 like to have it done. And in the end, I will label the  
12 CECs -- the CECs that we review will have -- it's going  
13 to be one CEC, correct, but with two options?

14 MS. GRABEL: Correct, yes.

15 CHMN. KATZ: At least that's how it's proposed.  
16 And we'll have a hard copy of it in PDF format ultimately  
17 once it's in final form just to show where we started our  
18 discussions during deliberations. That will be Chair  
19 Exhibit 1. And then Chair Exhibit 2 will be the Word  
20 version that we will edit and use during the course of  
21 our deliberations.

22 And I want to ask you, it appears that there  
23 have been significant efforts by the parties to narrow  
24 the issues, at least with respect to Alternative 1. And  
25 it appears that there are irreconcilable differences with

1 respect to the Alternative Route B. But we'll wait and  
2 see how the evidence plays out.

3 I don't think there are any pending motions that  
4 need to be ruled upon. Is that correct?

5 MS. GRABEL: That is correct, Mr. Chairman.

6 CHMN. KATZ: And it appears that the potential  
7 intervenor has complied with the Procedural Order and  
8 disclosed witness testimony and exhibits, and I think  
9 that we're set to go in that regard. If I'm wrong, let  
10 me know.

11 It figures that I didn't have a glass of water,  
12 and I'm doing too much talking. But I'm going to briefly  
13 pop a lozenge into my mouth so I don't sit there  
14 coughing.

15 And I'm assuming that all notifications that are  
16 required have been given to Arizona Corporation  
17 Commission Staff, financial arrangements have been made  
18 with them, and that there is no outstanding outside  
19 litigation that needs to be resolved. Would that be  
20 correct?

21 MS. GRABEL: All of those understandings are  
22 correct, yes, Mr. Chairman.

23 We did receive a letter from Commission Staff  
24 regarding the project. Is that something you would like  
25 us to admit as an exhibit, or will that be a chair

1 exhibit?

2 CHMN. KATZ: I think you should admit it as an  
3 exhibit. I have a copy of it, and I've read it. But to  
4 make sure our record is complete and included in the  
5 transcript, just mark that as whatever MEC exhibit  
6 whatever the next one is --

7 MS. GRABEL: Okay.

8 CHMN. KATZ: -- and we should be fine. I don't  
9 think we need to go through any of the CECs at this point  
10 in time. We can wait till all the evidence is in unless  
11 there's something you think we need to discuss right now.

12 MS. GRABEL: No, sir, I agree with you.

13 CHMN. KATZ: And I'm assuming that your client  
14 has either received or applied for all state, federal,  
15 county, city, or other permits, and I think it would be  
16 just, really, Maricopa County. But have all permits been  
17 applied for even if they haven't been received?

18 MS. GRABEL: Yes, Mr. Chairman. They've all  
19 been applied for and are in the various stages of  
20 processing.

21 CHMN. KATZ: And I'm assuming that no federal  
22 funds are involved -- no federal lands are involved so we  
23 don't need to have any NEPA process complied with;  
24 correct?

25 MS. GRABEL: That's correct, yes. Sorry to

1 interrupt you.

2 CHMN. KATZ: Any, all -- both the intervenor and  
3 the applicant have indicated there will be notebooks for  
4 all the Committee members. Are there any other issues  
5 from the applicant's perspective that we need to resolve  
6 before Monday's hearing?

7 MS. GRABEL: I don't believe so, no,  
8 Mr. Chairman.

9 CHMN. KATZ: Mr. Herder, what about from your  
10 client's perspective?

11 MR. HERDER: No. Thank you.

12 CHMN. KATZ: Okay. And with respect to  
13 exhibits, generally most of them get admitted. I seldom,  
14 unlike when my days on the bench, I seldom sustain  
15 objections unless we're going way far afield. And most  
16 of the lawyers that are engaged in this practice are very  
17 focused, and the procedures are usually completed in a  
18 streamlined fashion.

19 If there's any problems between now and then,  
20 I'll be working from home tomorrow, but Tod will be able  
21 to communicate with me, if necessary. And if there's any  
22 problems, please let Tod know and he'll pass them on to  
23 me.

24 Is there anything else, Tod, that we need to  
25 discuss?

1 MR. BREWER: Just briefly, Mr. Chairman. I've  
2 received a request from the court reporter to ask the  
3 gentleman signed in as iPhone 2 to identify himself for  
4 the record, please.

5 CHMN. KATZ: Right. And I did see that text.  
6 So if -- it's the gentleman in the checkered  
7 blue-and-white shirt.

8 MR. HERDER: If I may, while he's on mute, I can  
9 say he's an observer. His name is Dean Miller.

10 CHMN. KATZ: Is he an employee or agent of the  
11 applicant -- not the applicant, the potential intervenor?

12 MR. HERDER: That's correct. Yeah. Related,  
13 yes.

14 CHMN. KATZ: And, again, repeat the name to make  
15 sure the court reporter has it.

16 MR. HERDER: First name Dean, D-E-A-N. Miller,  
17 M-I-L-L-E-R.

18 CHMN. KATZ: Thank you very much. And welcome,  
19 Mr. Miller.

20 And we're going to be in recess until 1:00 p.m.  
21 on Monday.

22 I'm assuming that lunch will be available, at  
23 least for the Committee, at about noon?

24 MS. GRABEL: It will be, yes, Mr. Chairman.

25 I need to correct the record on something I said

1 earlier --

2 CHMN. KATZ: Sure.

3 MS. GRABEL: -- texted me. Apparently on  
4 Alternative B, it does cross federal lands, and so it  
5 would require a NEPA analysis.

6 CHMN. KATZ: Has that already been done, or has  
7 an application been made with the feds?

8 MS. GRABEL: Mr. da Cunha, why don't you address  
9 that?

10 MR. DA CUNHA: Thank you, Ms. Grabel. Good  
11 afternoon, Chairman Katz. Marcus da Cunha for the  
12 applicant.

13 So we've approached all the governmental  
14 agencies along the path of Alternative B, also  
15 Alternative A, but specifically for Alternative B that  
16 would cross county, state, and federal. And what it is  
17 is the modification of the existing gen-tie that  
18 exists -- that the gen-tie already has done its NEPA work  
19 20 years ago. In talking to the federal agency, the BLM,  
20 they've indicated that we can -- they would see our new  
21 work as a categorical exclusion and that would be the  
22 NEPA work, the catex, categorical exclusion.

23 CHMN. KATZ: So we don't need a new  
24 environmental impact statement?

25 MR. DA CUNHA: No.

1 CHMN. KATZ: Okay. And I'm assuming we'll hear  
2 testimony in that respect as well just to make sure we're  
3 all on the same side.

4 MR. DA CUNHA: Do you mean next week from us the  
5 applicant?

6 CHMN. KATZ: Yes. We don't need to call in  
7 anybody from the federal government.

8 MR. DA CUNHA: That's a good idea, yes.

9 CHMN. KATZ: Okay. We'll try to keep this as  
10 simple as possible.

11 And you folks work hard between now and then,  
12 maybe get a little relaxation in over the weekend. And  
13 we'll see you.

14 I have -- Mary Hamway, one of the Committee  
15 members is driving me, and I decided to stay over night,  
16 as has she. Because I'm not supposed to drive. I had  
17 surgery on October 3, minimally invasive back surgery.  
18 And I'm not in any pain or discomfort, but I have to use  
19 a walker for a month and I was told that I shouldn't  
20 drive in case I have to slam on the brakes to deal with  
21 Phoenix traffic.

22 So, anyway, I will see you all next Monday. And  
23 take care of yourselves, and look forward to getting this  
24 done in an efficient way.

25 We do stand in recess.



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(Proceedings concluded at 3:32 p.m.)

1 STATE OF ARIZONA )  
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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  
6 the best of my skill and ability; that the proceedings  
7 were taken down by me in shorthand and thereafter reduced  
8 to print under my direction.

9 I CERTIFY that I am in no way related to any of the  
10 parties hereto nor am I in any way interested in the  
11 outcome hereof.

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 24th day of October,  
16 2022.

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JENNIFER HONN, RPR  
Arizona Certified Reporter  
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