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BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE)	DOCKET NO.
APPLICATION OF HASHKNIFE)	L-21126A-20-0300-00187
ENERGY CENTER LLC, IN)	
CONFORMANCE WITH THE)	CASE NO. 187
REQUIREMENTS OF ARIZONA)	
REVISED STATUTES 40-360, ET)	
SEQ., FOR CERTIFICATES OF)	
ENVIRONMENTAL COMPATIBILITY)	
AUTHORIZING THE HASHKNIFE)	
ENERGY CENTER GEN-TIE PROJECT,)	
WHICH INCLUDES THE)	
CONSTRUCTION OF A NEW 500 KV)	
TRANSMISSION LINE AND)	
ASSOCIATED FACILITIES)	
INTERCONNECTING WITH THE)	
EXISTING APS 500 KV CHOLLA)	
SUBSTATION IN NAVAJO COUNTY,)	
ARIZONA.)	
_____)	

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At: Flagstaff, Arizona
Date: November 18, 2020
Filed: November 23, 2020

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

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VOLUME III
(Pages 282 through 339)

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at the High Country Conference Center, 201
5 West Butler Avenue, Flagstaff, Arizona, commencing at
6 9:26 a.m. on the 18th of November, 2020.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9 LEONARD DRAGO, Department of Environmental Quality
10 JOHN RIGGINS, Arizona Department of Water Resources
11 PATRICIA NOLAND, Public Member
12 JACK HAENICHEN, Public Member
13 MARY HAMWAY, Cities and Towns (Videoconference)
14 ZACHARY BRANUM, Arizona Corporation Commission
15 (Videoconference)
16 JAMES PALMER, Agriculture
17 KARL GENTLES, Public Member (Videoconference)

18

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1 CHMN. CHENAL: This is the time set for the
2 resumption of the Hashknife CEC hearing. We have all
3 of the Committee Members here that are attending this
4 hearing. Six of us are in person and three are
5 attending via Zoom. And again, a compliment to the
6 applicant and to the AV crew here. I think this has
7 worked extremely well and I'm very impressed that we're
8 able to do this and it's gone very well from the
9 technical aspect.

10 So I'm going to go turn it back to the
11 applicant and APS to see if they have any final, you
12 know, witnesses or comments for the record, any closing
13 arguments. And then as is our usual custom, we will
14 then begin deliberations and go through the CECs.

15 So let me turn to you, Mr. Acken. Do you
16 have any comments, any further witnesses? Let us know
17 how you would like to proceed at this point.

18 MR. ACKEN: Thank you, Chairman Chenal. As
19 we left yesterday afternoon, we had some homework to do
20 with respect to our request for both -- for approval
21 for both the preferred and alternative route. So we
22 went back, after hearing the Committee's concerns, went
23 back and looked at the documentation and certainly
24 understand the Committee's concerns.

25 I do think, in theory, the Committee could

1 approve both transmission line routes as a
2 nonsubstantial change to the application. But at this
3 point, given what we heard yesterday, given the
4 language in the application, given the fact that we
5 don't have the landowner here today to say, yes, I'm
6 comfortable with both routes, which I think was
7 something that Member Palmer had mentioned, we are
8 withdrawing our request to have approval for both
9 routes. We are requesting approval for one or the
10 other. And we have requested the preferred as our
11 preferred for the reasons that we have testified in
12 this proceeding. So we ask that the Committee grant
13 the preferred route and only the preferred route.
14 Thank you.

15 CHMN. CHENAL: Thank you very much. I do
16 think we need to go back and address one issue that
17 Member Noland had brought up.

18 But APS, I assume, has no objection to the
19 position taken now by the applicant?

20 MS. BENALLY: Good morning, Mr. Chair. APS
21 does not have any objection.

22 But I would just like to state that on the
23 record, over the last couple of days, APS witnesses
24 have indicated that they don't take a position on
25 either route, the preferred or the alternative. APS

1 has intervened in the sense that it is an
2 interconnection case. So it really doesn't have any
3 particular interest, if you will, regarding CEC-1 and
4 the routes that were brought forward.

5 CHMN. CHENAL: Okay. And I think that's
6 pretty clear.

7 Now, Mr. Acken, let me bring up just one last
8 issue here, I'd like to address it before we get into
9 deliberations, and that is the placement of the
10 substation. And I know Member Noland -- I don't want
11 to speak for her. She'll let me know how I -- if I
12 don't get this right. But I think we want some more
13 specificity as to where that would be located on the
14 maps or the attachments or some way to designate that.
15 And maybe I'll just let Member Noland explain her
16 concern. But I think it was -- I think I would say
17 that in the cases we've held, we've always had a better
18 -- I guess a good idea of where that was going to be
19 located.

20 MEMBER NOLAND: Mr. Chairman, I think the
21 maps that they gave us yesterday with the indicators of
22 the thousand-foot corridor showed the potential
23 location of the substation, and that's good enough for
24 me. I don't need it any tighter than that. If it had
25 been just all blank and we didn't know where anything

1 was going -- they showed both the potential location of
2 the substation if it was the preferred route and a
3 potential location if it was the alternate route. So
4 that has satisfied me.

5 CHMN. CHENAL: Okay. We don't have a copy of
6 the attachments to the hard copy CECs we were provided
7 by the applicant.

8 MR. ACKEN: So Mr. Chairman, we did hand this
9 out and marked it and admitted it as INV-8, I believe.
10 Let me double-check my -- yeah, INV-8 is the maps. I'm
11 hopeful that a hard copy was provided to every
12 Committee Member. I'm seeing shaking heads that that
13 was the case. And we can also present that on the
14 screen again. This was -- Ms. Innis provided testimony
15 yesterday afternoon on this as well. But it's not part
16 of our -- it's not attached to our prefiled forms of
17 order. It's a separate Exhibit INV-8 that we would
18 envision, depending on which route you selected, that
19 INV-8 will be substituted for the maps that were with
20 our original form of order.

21 CHMN. CHENAL: Okay. And that's fine. I see
22 that. I now have INV-8, and that would be the --
23 assuming we go with the preferred route, that would be
24 the Attachment Exhibit A to CEC-1?

25 MR. ACKEN: Correct. And INV-8 actually has

1 three maps: So it shows the map for the preferred
2 route should you select that; it has a map for the
3 alternative route should you select that; and it also
4 has a new map for CEC-2 that identifies the 500-foot
5 corridor. So again, our intention would be two of
6 these three maps will replace the maps in the proposed
7 form of order that we file.

8 CHMN. CHENAL: Okay. So are there any final
9 comments or final closing argument, Mr. Acken? And
10 then we'll give the same opportunity to Ms. Benally.

11 MR. ACKEN: Sure. I'll be very brief. If we
12 could have Slide 5 from INV-2.

13 So this is Figure 2 from the application.
14 I'm a big believer in a picture is worth a thousand
15 words. This diagram shows the transmission lines
16 coming from Cholla and the great extent of existing
17 electrical infrastructure. You have an existing Cholla
18 substation with numerous transmission lines. You have
19 one unit at Cholla that's going to be shut down
20 imminently, two more to follow in five years. You have
21 a project with minimal environmental effects that our
22 witnesses have testified is environmentally compatible.
23 We have support and approvals from Navajo County.

24 We have landowner support, as you heard from
25 Mr. Brophy Monday night. And I thought he did an

1 excellent job of framing the issue of you have billions
2 of dollars of electrical infrastructure in this area.
3 When Cholla goes away, what are we going to do with
4 that electrical infrastructure? And placing new
5 renewable generating resources in close proximity to
6 that location, who can then tie in and send power to a
7 variety of different locations, seems to be, from our
8 standpoint, a great policy approach and really a good
9 result for Arizona and a great way to continue to
10 utilize the infrastructure that Arizona has invested
11 in.

12 And as I mentioned, the environmental effects
13 of the Gen-Tie are minimal. This area is, frankly,
14 perfectly suited for a Gen-Tie and solar facility.

15 We thank you for participating in what was a
16 really unique journey. I had my doubts and concerns
17 about whether we would be able to pull this off, but
18 thank you so much for your time, your patience, working
19 with us, and going on this unique journey to hear this
20 project.

21 And with that, we respectfully request that
22 you grant two CECs for this project. One CEC -- again,
23 we are requesting the preferred route, which is shown
24 in blue -- thank you for highlighting that -- for
25 CEC-1. And then we are requesting approval for CEC-2

1 for what will be APS-owned facilities from the point of
2 ownership change into the Cholla substation
3 interconnection. So again, thank you for your time,
4 and I'd be happy to answer any questions you have.

5 MEMBER HAENICHEN: Mr. Chairman.

6 CHMN. CHENAL: Yes, Member Haenichen.

7 MEMBER HAENICHEN: Mr. Acken, assuming that
8 the Committee would approve this project, is it
9 applicant's intent to start construction before the
10 2025 date?

11 MR. ACKEN: Thank you, Chairman Chenal,
12 Member Haenichen. Ms. Innis testified yesterday that
13 no construction will start until some sort of power
14 purchase agreement is in place, whether that's with an
15 incumbent utility or third-party users. The
16 expectation is, given the current state of the economy
17 and demand for renewable resources, that yes, this
18 project can be up and running after the one unit is
19 shut down but before the other two units are shut down.
20 So the removal of the one unit is going to free up a
21 lot of capacity that can be used for this project.

22 MEMBER HAENICHEN: As a corollary to that
23 question, I'd like to ask the APS representative: Do
24 they have any problem with construction activity before
25 they shut down the entire facility in 2025?

1 MS. BENALLY: Chairman Chenal, Committee
2 Member Haenichen, I will have to consult with my
3 witness in that area. So if you will give me just a
4 moment.

5 CHMN. CHENAL: Sure. We'll take a -- give
6 you the time you need to get the answer to that
7 question.

8 MS. BENALLY: So the response that I'm
9 receiving from the witness, Mr. Jason Spitzkoff, is
10 that those two matters are unrelated. So APS would not
11 have a concern, I think, with the construction starting
12 to the -- before the unit is shuttered.

13 MEMBER HAENICHEN: Thank you.

14 CHMN. CHENAL: Any further questions of
15 Mr. Acken from the Committee?

16 (No response.)

17 CHMN. CHENAL: If not, Ms. Benally, your
18 final comments or closing statement.

19 MS. BENALLY: Thank you, Mr. Chair.

20 First of all, I'd like to say thank you to
21 the Committee for allowing APS to participate as an
22 intervenor in this case and certainly for your careful
23 consideration of the case over the last couple of days.
24 We all know that we're in unprecedented times, and this
25 is really the first line siting hearing that we're

1 having in COVID times.

2 And I'd like to thank Chair Chenal for the
3 attention that you've given during our procedural
4 conferences regarding the sensitivity to the details
5 necessary to hold an in-person hearing, as well as the
6 remote hearing that we have been -- had participants
7 participate in via Zoom.

8 I'd also like to thank members of the
9 Committee for traveling to Flagstaff to attend the
10 hearing and certainly for those who have attended via
11 Zoom. I've worked with and actually have had the
12 privilege of presenting before some of you, and there
13 are some new members on the Committee that we will
14 happily continue working with. I mean, I think you all
15 bring unique experiences to the Committee, and I think
16 that was apparent during the last couple of days with
17 the questions that were asked. And we certainly do
18 appreciate your time serving on the Committee.

19 I'd like to echo Mr. Chair's comments and
20 extend a thank you to Invenergy and Mr. Acken for
21 creating a safe and effective hybrid hearing. I think
22 we had a fantastic AV team.

23 I'd like to also thank the court reporter for
24 her assistance during the hearing.

25 I'd like to just briefly make a few remarks

1 relative to our intervention. As I mentioned earlier,
2 this is an interconnection case; and in that regard,
3 it's governed by APS's open access transmission tariff.
4 And that particular tariff has certain requirements and
5 studies that are required, and you heard testimony
6 regarding that yesterday.

7 The record also demonstrated that the segment
8 of line that is governed by CEC-2 is located on APS
9 property and within the controlled access of the Cholla
10 power plant. It's going to be constructed -- CEC-2
11 line will be constructed using three to four
12 structures, including both single-circuit and
13 double-circuit structures. And the length of line is
14 .3 miles from the point of physical demarcation, or the
15 point of -- to the point of interconnection. And
16 finally, CEC-2 will be eventually transferred to APS as
17 a condition of the interconnection process and
18 agreement.

19 With that, I would like to thank you for your
20 time.

21 CHMN. CHENAL: Okay. Thanks, Ms. Benally.

22 I'm sure I'll say it again and I'm sure other
23 Committee Members will echo my compliments to both the
24 applicant and Mr. Acken and the intervenor, APS, and
25 Ms. Benally and their witnesses. I think you've all

1 done a fantastic job, especially with this hybrid
2 hearing we're holding for the first time. I feel it's
3 been very safe, and I think we ran a good hearing and
4 created a very good hearing, so I appreciate everyone's
5 efforts. And a shout-out, as usual, to our court
6 reporter and to the excellent AV team. They're
7 probably getting tired of being told how good they are.

8 So with that, I'll just ask if there is
9 anyone who's on the hearing -- the Zoom meeting that's
10 a member of the public that would wish to provide any
11 public comment before we close the hearing and begin
12 deliberations?

13 (No response.)

14 CHMN. CHENAL: Well, hearing none, are there
15 any further questions from the Committee before we
16 close the hearing?

17 (No response.)

18 CHMN. CHENAL: If not, we'll close the
19 evidentiary portion of the hearing, but we all know
20 what that means. When we begin deliberations, there
21 are still going to be questions of the applicant and
22 witnesses as we need to.

23 So if I could ask the AV crew to put up the
24 two -- the screen will be a split screen with two CECs
25 up there. Now, these are denominated CEC-1. The one

1 on the left will be Chairman's Exhibit 1 and the one on
2 the right will be Chairman's Exhibit 2. When we get to
3 CEC-2, you know, that will become 3 and 4.

4 We've done this before, but let me just go
5 through how we do this for the benefit of people that
6 are on the Zoom meeting. The document on the left,
7 Chairman's 1, we'll just call it Exhibit 1 at this
8 point, will stay -- that incorporates the changes that
9 the applicant had made to basically previous versions
10 of CECs, largely from the Chevelon case, with changes
11 that I have suggested for discussion purposes only.
12 When we get to Condition 6, I'll tell you right now,
13 I've got some more language to talk about there. But
14 that will become static; that won't change.

15 The document on the right, Exhibit 2, that
16 will become the living document. As we go through, we
17 make changes, revisions, what have you, to it. And we
18 will vote on, as to form, as we go through it paragraph
19 by paragraph, condition by condition. When we get to
20 the end, assuming that is adopted -- and we might do
21 both 1 and 2 at the same time, the actual formal voting
22 on the CECs -- that will become -- Exhibit 2 and
23 Exhibit 4, then, would become the final versions of the
24 CECs. And all four of those will be provided to the
25 court reporter and become exhibits to the transcript.

1 And then the applicant will finalize, basically accept
2 all those changes in a clean format, and send it to me
3 with the exhibits attached, and I will sign those and
4 we'll get those filed with the Corporation Commission.

5 So with that in mind, let's begin the
6 process. So with the one on the left, Exhibit 1,
7 let's -- may I have a -- let's review Lines -- we don't
8 really review the captions. But let's look at Page 1,
9 Lines 15 through 21, and see if there are any changes.

10 If there are none, may I have a motion to
11 approve?

12 MEMBER NOLAND: So moved.

13 MEMBER PALMER: Second.

14 CHMN. CHENAL: We have a motion and a second.
15 All in favor say aye.

16 (A chorus of ayes.)

17 CHMN. CHENAL: Okay. Let's go to Page 1,
18 Lines 22 through 28. Take a moment to review those.
19 Are there any changes to that language?

20 (No response.)

21 CHMN. CHENAL: If not, may I have a motion to
22 approve?

23 MEMBER PALMER: So moved.

24 MEMBER NOLAND: Second.

25 CHMN. CHENAL: We have a motion and a second.

1 All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Let's go to Page 2, Line --

4 MR. ACKEN: Mr. Chairman.

5 CHMN. CHENAL: Yes.

6 MR. ACKEN: This is Bert Acken.

7 CHMN. CHENAL: Yes.

8 MR. ACKEN: Ms. Innis points out, we don't
9 have a date on the first page. I'm not sure how that
10 dropped. But we should say, on Line 16, Page 1, "held
11 public hearings in Flagstaff on"...

12 CHMN. CHENAL: Yes. So that should be
13 November --

14 MEMBER NOLAND: 16th.

15 CHMN. CHENAL: -- 16th through November 18th.

16 MEMBER NOLAND: I modify my motion to add
17 those dates.

18 CHMN. CHENAL: Thank you.

19 MEMBER PALMER: Second accepts the
20 modification.

21 CHMN. CHENAL: Probably a comma after "18"
22 and "20" probably.

23 All right. With those modifications, all in
24 favor -- all in favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Okay, thank you. Now, on
2 Page 2, Lines 1 through 8. And I can see right now we
3 need to remove Gilberto Villegas, because he was not
4 attending. He did not attend this meeting.

5 MEMBER HAENICHEN: With that change, I move
6 approval.

7 CHMN. CHENAL: Do we have a second?

8 MEMBER RIGGINS: Second.

9 CHMN. CHENAL: We have a motion and a second
10 for approval of Lines 1 through 8, Page 2. All in
11 favor say aye.

12 (A chorus of ayes.)

13 CHMN. CHENAL: Thank you. Let's go to
14 Lines 10 through 12. And I think we should add, on
15 Line 12 -- should we put, "represented by Ms. Linda
16 Benally"?

17 MS. BENALLY: Linda Benally and Matthew
18 Derstine.

19 CHMN. CHENAL: And Matthew Derstine.

20 MS. BENALLY: Yes, thank you.

21 MEMBER NOLAND: I move that we adopt that
22 with those additions.

23 CHMN. CHENAL: Matthew, it's
24 D-E-R-S-T-I-N-E --

25 MS. BENALLY: That's correct. And if --

1 CHMN. CHENAL: -- of Snell & Wilmer.

2 MS. BENALLY: Yes, that's correct.

3 CHMN. CHENAL: I think it's D-E-R-S-T-I-N-E,
4 of Snell & Wilmer, W-I-L-M-E-R.

5 And Ms. Benally, do you know if Snell &
6 Wilmer is an LLC?

7 MS. BENALLY: I am looking at a prior CEC,
8 and that's how I see it.

9 CHMN. CHENAL: Snell & Wilmer, okay.

10 MS. BENALLY: So I don't know the answer to
11 that.

12 MS. INNIS: It's an LLP.

13 CHMN. CHENAL: Okay. So it's comma, LLP.

14 So we have a -- did we have a motion from --

15 MS. BENALLY: Mr. Chair.

16 CHMN. CHENAL: Yes.

17 MS. BENALLY: I apologize. After where it
18 says "represented by Linda Benally," could you please
19 add "of APS"?

20 CHMN. CHENAL: Yes, of course.

21 All right. One more change. After the first
22 reference on Line 11 and 12 to Arizona Public Service,
23 let's put a paren, quote, APS, quote, paren.
24 Parenthesis and a quotation mark. No. We need a
25 parenthesis first and quote and APS, quote, paren.

1 Capital A, capital P, capital S, and quote, and then
2 paren.

3 MS. BENALLY: Chairman, I'm sorry. I have
4 one other correction or addition. For Matthew
5 Derstine's name, could we please add J, period, right
6 before Matthew?

7 CHMN. CHENAL: Okay. So it's Matthew, then
8 middle initial J.

9 MS. BENALLY: No, that's correct. J. Matthew
10 Derstine.

11 CHMN. CHENAL: Oh, J. Matthew Derstine?

12 MS. BENALLY: Uh-huh. Thank you.

13 CHMN. CHENAL: All right. So with those
14 changes, are there any other changes to Lines 10
15 through 13?

16 (No response.)

17 CHMN. CHENAL: I think we have a motion and a
18 second. All in favor say aye.

19 (A chorus of ayes.)

20 CHMN. CHENAL: Okay. Let's go to Page 2,
21 Lines 14 through 20. Take a moment to read it.

22 MEMBER NOLAND: Mr. Chairman, I'm going to
23 move that we adopt this language and that you fill in
24 the final vote.

25 CHMN. CHENAL: Okay. And we can do that,

1 actually, at the end. But maybe if I had a motion to
2 allow me to make scrivener's errors, that would be
3 appreciated. I think that would help.

4 MEMBER HAENICHEN: So moved.

5 MEMBER NOLAND: Second.

6 CHMN. CHENAL: Motion and a second to allow
7 the Chairman to make scrivener's errors for cleanup.
8 All in favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: All right. Thank you for
11 that.

12 And maybe we can come back to this and fill
13 in the vote at the end. But with the exception of
14 that, any further changes?

15 (No response.)

16 CHMN. CHENAL: If none, may I have a motion
17 to approve?

18 MEMBER NOLAND: So moved.

19 CHMN. CHENAL: And a second?

20 MEMBER PALMER: Second.

21 CHMN. CHENAL: All in favor say aye.

22 (A chorus of ayes.)

23 CHMN. CHENAL: Okay. Let's scroll down to
24 Page 2, Lines 22 through 28, and let's see if there are
25 any changes.

1 Any changes to Lines 22 through 28, Page 2?

2 (No response.)

3 CHMN. CHENAL: If not, may I have a motion to
4 approve?

5 MEMBER PALMER: Motion to approve.

6 MEMBER HAENICHEN: Second.

7 CHMN. CHENAL: Motion and a second. All in
8 favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: And let's go then to Page 3,
11 Lines 1 through 4. Any changes?

12 (No response.)

13 CHMN. CHENAL: If not, may I have a motion to
14 approve?

15 MEMBER HAENICHEN: So moved.

16 CHMN. CHENAL: And a second?

17 MEMBER NOLAND: Second.

18 CHMN. CHENAL: All in favor say aye.

19 (A chorus of ayes.)

20 CHMN. CHENAL: Okay. Now, I'm going to ask
21 the Committee if we are in agreement that we go with
22 the preferred route. If so, we'll adopt the
23 language -- or, review the language in Lines 5 through
24 16. I guess the easiest way to do it is: May I have a
25 motion that the preferred route is the one that we will

1 incorporate into the CEC?

2 MEMBER PALMER: Mr. Chairman, I move we adopt
3 Lines 5 through 16 using the preferred route.

4 MEMBER HAENICHEN: Second.

5 CHMN. CHENAL: We have a motion and a second.
6 Any further discussion?

7 MEMBER NOLAND: Mr. Chairman, the only thing
8 that I would like to see is the thousand-foot corridor
9 language in this paragraph.

10 CHMN. CHENAL: Where would you suggest we put
11 that, Member Noland?

12 MEMBER NOLAND: Well, I'm not sure.

13 CHMN. CHENAL: Let's take a moment.

14 MR. ACKEN: Mr. Chairman, Member Noland, that
15 would be after -- it would follow after this paragraph
16 if you delete the paragraph with the alternative route
17 chosen.

18 MEMBER NOLAND: Yes, you're right. I see
19 that. Thank you. It will butt right up to that too
20 when we get rid of the alternative language.

21 MR. ACKEN: That's correct.

22 MEMBER NOLAND: Okay, thank you.

23 CHMN. CHENAL: Okay. So for lines -- could
24 you scroll up? On Exhibit 2 could you scroll up just a
25 little?

1 Okay. And we've approved that language down
2 to Line 4. So let's remove the first clause there on
3 Line 5, "if preferred route chosen."

4 And with that change, are there any further
5 changes to Lines 5 through 16?

6 MEMBER NOLAND: No. I move that we adopt it
7 as written.

8 CHMN. CHENAL: Okay. And I think, Member
9 Palmer, you've --

10 MEMBER PALMER: Yeah.

11 CHMN. CHENAL: We have a second. All in
12 favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: All right. Let's scroll down,
15 then. Line 16 through 26 can be struck.

16 MEMBER HAENICHEN: Through 27. No?

17 MEMBER PALMER: No, 26.

18 CHMN. CHENAL: Through 26.

19 Now, let's scroll down. If I could ask, we
20 can scroll down to -- okay. Let's just deal with Lines
21 27 and 28 on Page 3. And I'll ask Member Noland if
22 she's satisfied with that language.

23 MEMBER NOLAND: Yes, and I move that we adopt
24 it.

25 CHMN. CHENAL: We have a motion. May I have

1 a second?

2 MEMBER PALMER: Second.

3 CHMN. CHENAL: All in favor say aye.

4 (A chorus of ayes.)

5 CHMN. CHENAL: Let's go down to conditions,
6 and we'll take these one at a time where we can. So
7 let's take a look at -- and you'll note that there's a
8 couple strikeouts. And those are strikeouts from the
9 applicant from a previous CEC condition from Case
10 No. 182, and then I added "Condition 1" to it to
11 explain which condition it was. So that's why you have
12 the language at the end.

13 Let's just make a standing request that the
14 reference to -- on all these conditions to the previous
15 case number and the previous condition number will be
16 struck as we go through. And of course, the language
17 that's struck will also not be included in the final
18 version.

19 So with that, in reviewing Condition 1, are
20 there any other changes to Condition 1?

21 (No response.)

22 CHMN. CHENAL: If not, may I have a motion to
23 approve?

24 MEMBER PALMER: Motion to approve Lines 2
25 through 9. I can't see Line 1, so I'm not sure what's

1 there.

2 MEMBER NOLAND: Second.

3 CHMN. CHENAL: Okay. We have the motion.

4 May I have a second? May I have a second motion?

5 MEMBER PALMER: Yeah, I did make it. Yeah.

6 CHMN. CHENAL: Motion and a second. All in

7 favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: Let's go to Condition 2. I
10 don't think it's necessary for me to read through every
11 change there. I think we understand what it means,
12 what's struck and what's added and the change that I
13 had made. I simply moved up the board of supervisors
14 of Navajo County before the cities and towns. I think
15 that's generally how we've done it.

16 But now that we've had an opportunity to
17 review it, may I have a motion to approve Condition 2?

18 MEMBER HAENICHEN: Motion to approve
19 Number 2.

20 CHMN. CHENAL: And a second?

21 MEMBER PALMER: Second.

22 CHMN. CHENAL: All in favor say aye.

23 (A chorus of ayes.)

24 CHMN. CHENAL: Thank you. Let's move to

25 Condition 3. Is it possible to scroll down a little

1 more to get -- I guess we can't. I guess we can only
2 go down -- Condition 3 -- yes, he can. He can do it.
3 He's done it. He's zoomed out. Harder to read, but at
4 least we can see it all on this one.

5 So we've had a chance to review Condition 3.
6 It's consistent with previous cases. May I have a
7 motion to approve Condition 3?

8 MEMBER NOLAND: I move we adopt Condition 3.

9 MEMBER RIGGINS: Second.

10 CHMN. CHENAL: We have a motion and a second.
11 All in favor say aye.

12 (A chorus of ayes.)

13 CHMN. CHENAL: Let's go to Condition 4.

14 MEMBER HAENICHEN: I move Condition 4.

15 CHMN. CHENAL: Let's get it up on the screen
16 and make sure we...

17 One second. Okay. Lines 19 and 20, we refer
18 -- we spell out the Arizona State Land Department, but
19 we've already defined it as ASLD. So I would ask that
20 you strike the words "the Arizona State Land
21 Department" and instead put capital "ASLD."

22 MEMBER PALMER: Mr. Chairman, question.

23 CHMN. CHENAL: Yes.

24 MEMBER PALMER: Now, I believe testimony was
25 that there was no State land in this project. Does

1 that need to be there?

2 MEMBER NOLAND: Mr. Chairman.

3 CHMN. CHENAL: Member Noland.

4 MEMBER NOLAND: I kind of think it does,
5 because they do have land with the project itself.

6 It's fairly close. So, I mean, I would think it
7 wouldn't hurt to leave it in there, but I'm not --

8 MEMBER PALMER: I don't object to it. It was
9 just a question I raised, being as they won't be
10 acquiring any permits from the State Land Department
11 for this project, but I don't object to it being there
12 either.

13 CHMN. CHENAL: I think that's a good
14 question, Member Palmer. I guess technically the only
15 portion of the project that involves the State Land
16 Department, as was clarified yesterday, is the solar
17 footprint, over which we don't have jurisdiction. So I
18 think technically you're correct, but let me ask the
19 applicant if there's any objection to that language.

20 MR. ACKEN: Thank you, Mr. Chairman. We
21 don't object. You are correct, the testimony is that
22 the only State Land portion is associated with the
23 solar facility, so this is going to be not applicable
24 to the Gen-Tie. We're fine leaving this, with the
25 understanding it's a standard condition, and that way

1 you don't have to change it from time to time and say,
2 okay, in this case do I have approvals from the federal
3 government, do I have approvals from State Land, and
4 make sure that I'm including it. It's in there. If
5 it's applicable, fine. If it's not applicable, our
6 intent would be, in our self-certification, to just
7 simply say it's not applicable. So we're fine with the
8 language as is.

9 CHMN. CHENAL: And I appreciate that, and
10 that will make it easier. Because there are other
11 provisions regarding notice where, even though it may
12 technically not -- the project may not involve ASLD, I
13 think for notice purposes it would be appropriate that
14 they receive notice. So we'll leave that in there.

15 And with that discussion in mind, may I have
16 a motion to approve? I think Member Haenichen moved
17 for --

18 MEMBER HAENICHEN: I modify my approval -- I
19 mean, my motion to the current form.

20 CHMN. CHENAL: Okay. May I have a second?

21 MEMBER PALMER: Second.

22 CHMN. CHENAL: Motion and a second. All in
23 favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Condition 5. Take a moment to

1 review it.

2 May I have a motion to approve Condition 5?

3 MEMBER NOLAND: So moved.

4 MEMBER HAENICHEN: Second.

5 CHMN. CHENAL: All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: Now, Condition 6. This is
8 probably the only one that will have any real
9 substantive change. And let me ask if -- it will be
10 easier if I just provide this to the AV crew.

11 All right. I think that captures it. I went
12 back and reviewed the actual documents from the Avian
13 Power Line Interaction Committee -- "Committee," on
14 Line 2, should be capital C -- and that's how they
15 refer to their documents, Electrocution Manual and
16 Collision Manual. I mean, the titles are actually much
17 longer than that, but that's how they refer to them
18 after they've kind of defined them.

19 So based on the testimony we heard and the
20 fact that one deals with electrocution, the other deals
21 with collision, I just would like -- if there's any
22 discussion on that. If not, to have a motion to
23 approve.

24 MEMBER NOLAND: Mr. Chairman, I'm having
25 trouble putting this all together. I can't see it up

1 there.

2 CHMN. CHENAL: You know, we're not finished
3 yet. Lines 3 through 5 should be struck.

4 MEMBER NOLAND: Yeah, that's why I was having
5 trouble with that.

6 CHMN. CHENAL: Yeah, thank you. Let me just
7 read it so it's clear. Line 1, "Such measures shall be
8 accomplished through compliance with the Avian Power
9 Line Interaction Committee guidelines set forth in the
10 2006 Electrocution Manual and the 2012 Collision
11 Manual," and then the rest of the condition refers to
12 other matters. So I think that summarizes the
13 testimony and I think it's clear from the documents of
14 the Committee itself.

15 MEMBER NOLAND: Mr. Chairman, I move that we
16 adopt this language as modified.

17 CHMN. CHENAL: Do I have a second?

18 MEMBER RIGGINS: Second.

19 CHMN. CHENAL: Motion and a second. All in
20 favor say aye.

21 (A chorus of ayes.)

22 CHMN. CHENAL: Thank you. Condition 7. I
23 can see right now we have another reference to, on
24 Lines 13 and 14, Arizona State Land Department, which
25 would be AS -- "consult with the ASLD."

1 Any discussion of Condition 7?

2 (No response.)

3 CHMN. CHENAL: If not, may I have a motion?

4 MEMBER HAENICHEN: I move 7.

5 MEMBER NOLAND: Second.

6 CHMN. CHENAL: Motion and a second. All in
7 favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: Condition 8. Any further
10 discussion?

11 (No response.)

12 CHMN. CHENAL: If not, may I have a motion to
13 approve?

14 MEMBER HAENICHEN: I move that we approve 8.

15 MEMBER PALMER: Second.

16 CHMN. CHENAL: Motion and a second. All in
17 favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: Let's review Condition 9.

20 MEMBER NOLAND: Mr. Chairman, this is fairly
21 standard --

22 CHMN. CHENAL: Yes.

23 MEMBER NOLAND: -- and not changed. I move
24 that we adopt Condition 9.

25 CHMN. CHENAL: We have a motion to approve.

1 May I have a second?

2 MEMBER DRAGO: Second.

3 CHMN. CHENAL: All in favor say aye.

4 (A chorus of ayes.)

5 CHMN. CHENAL: And just so you know, these
6 were all conditions that were in the proposed CEC by
7 the applicant.

8 So let's go to Condition 10.

9 MEMBER HAENICHEN: I move 10.

10 MEMBER NOLAND: Second.

11 CHMN. CHENAL: We have a motion and a second.
12 All in favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: On 11 you'll note that I added
15 Subsection C, which I think is consistent with our
16 recent conditions that the sign also include a
17 reference to the docket.

18 With that, any further discussion?

19 (No response.)

20 CHMN. CHENAL: If not, may I have a motion to
21 approve Condition 11?

22 MEMBER NOLAND: So moved with the addition.

23 MEMBER PALMER: Second.

24 CHMN. CHENAL: Motion and a second. All in
25 favor say aye.

1 (A chorus of ayes.)

2 CHMN. CHENAL: Thank you.

3 Condition 12. I see on Lines 4 and 5 we have
4 another reference to Arizona State Land Department. It
5 should be ASLD.

6 MEMBER NOLAND: Mr. Chairman, I move
7 Condition 12 with ASLD substituted.

8 CHMN. CHENAL: We have a motion. May I have
9 a second?

10 MEMBER RIGGINS: Second.

11 CHMN. CHENAL: Motion and a second. All in
12 favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: Okay. Condition 13. May I
15 have a motion to approve?

16 MEMBER HAENICHEN: So moved.

17 MEMBER DRAGO: Second.

18 CHMN. CHENAL: We have a motion and a second.

19 MEMBER GENTLES: Second.

20 CHMN. CHENAL: Very good. Member Gentles got
21 in a second there.

22 May I have a motion to approve? Excuse me.
23 All in favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: And Condition 14.

1 MEMBER PALMER: Move 15 -- or, 14.

2 CHMN. CHENAL: I have a motion. May I have a
3 second?

4 MEMBER RIGGINS: Second.

5 CHMN. CHENAL: Motion and a second to approve
6 14. All in favor say aye.

7 (A chorus of ayes.)

8 CHMN. CHENAL: Let's review 15 for a second.

9 Okay. Any further discussion?

10 (No response.)

11 CHMN. CHENAL: If not, may I have a motion to
12 approve Condition 15?

13 MEMBER RIGGINS: Motion to approve 15.

14 MEMBER HAENICHEN: Second.

15 CHMN. CHENAL: Motion and a second. All in
16 favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: Condition 16. Any further
19 discussion?

20 (No response.)

21 CHMN. CHENAL: If not, may I have a motion to
22 approve 16?

23 MEMBER NOLAND: So moved.

24 MEMBER DRAGO: Second.

25 CHMN. CHENAL: Motion and a second. All in

1 favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Now, Number 17. I'm going to
4 ask the applicant. The Staff at the Corporation
5 Commission had requested language in the letter that's
6 your Exhibit 5, I believe -- excuse me -- 6, and I just
7 wanted to make sure that the language they're
8 suggesting is the same as this language.

9 MR. ACKEN: Thank you, Mr. Chairman. Let me
10 double-check that real briefly.

11 CHMN. CHENAL: While he's checking, could I
12 ask if we could just quickly go back to Condition 1? I
13 just want to make sure a change was made.

14 All right. Let's go back to the one we're
15 looking at, and then we're going to have to come back
16 to 1, because I have a slight addition to there. Let's
17 go back to the one that we were looking at on the
18 testing.

19 MR. ACKEN: It would be Condition 17.

20 CHMN. CHENAL: 17. Let's finish 17, and then
21 we'll go back to Number 1.

22 MR. ACKEN: In my review, the language looks
23 identical, of course, excepting the Staff letter refers
24 to the applicant and we have identified Hashknife. But
25 otherwise, it looks identical.

1 CHMN. CHENAL: Okay. With that, any further
2 discussion on Condition 17?

3 (No response.)

4 CHMN. CHENAL: If not, may I have a motion to
5 approve?

6 MEMBER HAENICHEN: I move to approve 17.

7 MEMBER NOLAND: Second.

8 CHMN. CHENAL: We have a motion and a second.
9 All in favor say aye.

10 (A chorus of ayes.)

11 CHMN. CHENAL: Let's go back to 1, please.
12 Somehow it didn't show up, but on Line 6, right before
13 "Commission," I think we should say "Arizona" and then,
14 next word, "Corporation."

15 MR. ACKEN: Mr. Chairman, that term is
16 defined in Zach Branum's description, so --

17 CHMN. CHENAL: Where is that?

18 MR. ACKEN: That's on the top of Page 2.

19 CHMN. CHENAL: Oh, I apologize. Excuse me.
20 I apologize. Strike any changes to Condition 1.
21 You're absolutely correct. Sorry.

22 So let's go then to Condition 18.

23 MEMBER NOLAND: Mr. Chairman, I move
24 Condition 18 with the date of November 1st, 2021
25 included.

1 CHMN. CHENAL: Okay. And then I see on
2 Line 3 on Page 10 we have Arizona State Land
3 Department. Should be ASLD.

4 And with that, change --

5 MEMBER PALMER: I'll second that motion.

6 CHMN. CHENAL: We have a motion and a second
7 with the changes noted. All in favor say aye.

8 (A chorus of ayes.)

9 CHMN. CHENAL: Condition 19.

10 MEMBER NOLAND: Mr. Chairman, I move that we
11 adopt it with the same change to ASLD.

12 CHMN. CHENAL: Okay, thank you.

13 MEMBER HAENICHEN: I move it as modified.

14 CHMN. CHENAL: We have one more change. On
15 Line 5 it should be the board of supervisors, singular.

16 With those changes, Member Haenichen has
17 moved. May I have a second?

18 MEMBER NOLAND: Second.

19 CHMN. CHENAL: All in favor say aye.

20 (A chorus of ayes.)

21 CHMN. CHENAL: Thank you. Condition 20.

22 Any further discussion?

23 (No response.)

24 CHMN. CHENAL: If not, may I have a motion to
25 approve?

1 MEMBER DRAGO: Motion to approve.

2 CHMN. CHENAL: Second?

3 MEMBER RIGGINS: Second.

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: 21. Again, we have to make
7 board singular and ASLD.

8 MEMBER NOLAND: Mr. Chairman, think it is
9 singular. You just can't see the cross through on that
10 S. Is that correct?

11 CHMN. CHENAL: Okay, thank you for that.

12 MEMBER NOLAND: I move adoption of
13 Condition 21.

14 MEMBER PALMER: Second.

15 CHMN. CHENAL: Motion and a second. All in
16 favor say aye.

17 (A chorus of ayes.)

18 CHMN. CHENAL: Condition 22. Any further
19 discussion?

20 (No response.)

21 CHMN. CHENAL: If not, may I have a motion to
22 approve?

23 MEMBER HAENICHEN: So moved.

24 CHMN. CHENAL: And a second?

25 MEMBER PALMER: Second.

1 CHMN. CHENAL: All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Condition 23. Any further
4 discussion?

5 MEMBER NOLAND: Move Condition 23.

6 MEMBER HAENICHEN: Second.

7 CHMN. CHENAL: Motion and a second. All in
8 favor say aye.

9 (A chorus of ayes.)

10 CHMN. CHENAL: Condition 24. Any further
11 discussion?

12 (No response.)

13 CHMN. CHENAL: If not, may I have a motion to
14 approve?

15 MEMBER PALMER: Move 24.

16 MEMBER HAENICHEN: Second.

17 CHMN. CHENAL: All in favor say aye.

18 (A chorus of ayes.)

19 CHMN. CHENAL: And Condition 25. Any further
20 discussion?

21 (No response.)

22 CHMN. CHENAL: If not, may I have a motion to
23 approve?

24 MEMBER PALMER: Move 25.

25 MEMBER NOLAND: Second.

1 CHMN. CHENAL: Motion and a second. All in
2 favor say aye.

3 (A chorus of ayes.)

4 CHMN. CHENAL: Let's go to the findings of
5 fact and conclusions of law. Let's do them one at a
6 time. Any change to Finding of Fact 1?

7 (No response.)

8 CHMN. CHENAL: If not, may I have a motion to
9 approve and a second?

10 MEMBER HAENICHEN: I move to approve.

11 MEMBER NOLAND: Second.

12 CHMN. CHENAL: All in favor say aye.

13 (A chorus of ayes.)

14 CHMN. CHENAL: Finding of Fact 2.

15 MEMBER NOLAND: I move Finding of Fact 2.

16 MEMBER RIGGINS: Second.

17 MEMBER HAENICHEN: Second.

18 CHMN. CHENAL: We have a motion and a second.
19 All in favor say aye.

20 (A chorus of ayes.)

21 CHMN. CHENAL: Finding 3. May I have a
22 motion to approve?

23 MEMBER DRAGO: Motion to approve.

24 MEMBER GENTLES: Second.

25 CHMN. CHENAL: We have a motion and a second.

1 All in favor say aye.

2 (A chorus of ayes.)

3 CHMN. CHENAL: Finding 4, please. May I have
4 a motion to approve?

5 MEMBER NOLAND: So moved.

6 MEMBER GENTLES: So moved.

7 MEMBER NOLAND: Second.

8 CHMN. CHENAL: We have a motion and a second.

9 All in favor say aye.

10 (A chorus of ayes.)

11 CHMN. CHENAL: Condition 5. May I have a
12 motion to approve?

13 MEMBER PALMER: Move Finding of Fact 5.

14 MEMBER NOLAND: Second.

15 MEMBER HAMWAY: Second.

16 MEMBER NOLAND: Good, let Mary.

17 MEMBER HAMWAY: I jumped in.

18 CHMN. CHENAL: We have a motion and a second
19 on 5. All in favor say aye.

20 (A chorus of ayes.)

21 CHMN. CHENAL: And Finding 6. Any further
22 discussion?

23 (No response.)

24 CHMN. CHENAL: If not, may I have a motion to
25 approve?

1 MEMBER HAENICHEN: So moved.

2 CHMN. CHENAL: And a second?

3 MEMBER DRAGO: Second.

4 CHMN. CHENAL: All in favor say aye.

5 (A chorus of ayes.)

6 CHMN. CHENAL: And then just so we don't have
7 any misunderstanding, is it possible to put up the
8 exhibit that's attached to this? It's INV-8, first
9 page.

10 MR. ACKEN: That's correct.

11 CHMN. CHENAL: And what's on the screen will
12 be the Exhibit A.

13 MEMBER NOLAND: Mr. Chairman, I move that we
14 include INV-8 -- are they all INV-8?

15 CHMN. CHENAL: Just Page 1.

16 MEMBER NOLAND: INV-8 be included as the
17 attachment.

18 CHMN. CHENAL: And it's just the first page
19 of INV-8.

20 MEMBER NOLAND: Yeah.

21 CHMN. CHENAL: Okay. May I have a second?

22 MEMBER HAENICHEN: Second.

23 CHMN. CHENAL: Motion and a second. All in
24 favor say aye.

25 (A chorus of ayes.)

1 CHMN. CHENAL: Okay. Good. Now, just so
2 we're clear, what we've approved is the form. We
3 haven't actually done the formal vote on what's now
4 Chairman's Exhibit 2. And I think we come back to that
5 after we go through CEC Number 2.

6 MEMBER NOLAND: Mr. Chairman.

7 CHMN. CHENAL: Yes.

8 MEMBER NOLAND: Can't we just adopt this?

9 CHMN. CHENAL: I think we can, but I'd just
10 like to make sure that they're both consistent all the
11 way through. The description is going to be a little
12 different. I think when we get to the conditions we
13 can, assuming they're all the same. But I think we
14 should go through the narrative just to make sure and
15 make sure we have the right exhibit to it, just to be
16 safe.

17 MEMBER NOLAND: Okay.

18 CHMN. CHENAL: Let me ask the applicant. Are
19 the conditions -- and I believe they are. But are the
20 conditions in CEC-2 a mirror image of what's in CEC-1?

21 MR. ACKEN: Mr. Chairman, they are.

22 CHMN. CHENAL: Okay. So let's go through
23 CEC-2 and go through the narrative up to the
24 conditions, and I think then we can simply move to
25 adopt the conditions. And then we'll make sure we have

1 the right attachment as the exhibit, just so we're
2 clear. I think we can do that pretty quickly.

3 So let's put up on the screen Exhibit --
4 Chairman's Exhibit 3 and 4, which will be two versions
5 of CEC-2.

6 MEMBER NOLAND: So Mr. Chairman, to kind of
7 move this along, I would like to move that we adopt
8 Lines 15 through 28, with the addition of the hearing
9 dates of 11-16 through 18, 19, 20.

10 CHMN. CHENAL: Very good. And that would be
11 on Page 1.

12 MEMBER NOLAND: Page 1 of CEC-2.

13 CHMN. CHENAL: Correct. And that would be
14 reflected on Chairman's Exhibit 4.

15 MEMBER NOLAND: Correct.

16 MEMBER PALMER: I'll second that motion.

17 CHMN. CHENAL: We have a motion and a second.
18 All in favor say aye.

19 (A chorus of ayes.)

20 CHMN. CHENAL: Let's go to the next page.

21 Let's -- maybe we can do it this way. All the changes
22 that we made on Chairman's Exhibit 2 will be made on
23 Chairman's Exhibit 4 on the second page down to Line
24 19.

25 MEMBER PALMER: I would so move.

1 MEMBER HAENICHEN: Second.

2 CHMN. CHENAL: Motion and a second. All in
3 favor say aye.

4 (A chorus of ayes.)

5 CHMN. CHENAL: Now, let's go through the
6 overview of the project, and I think that's the only
7 thing we have to review. Because like I say, we can
8 adopt the conditions and make them a mirror image.

9 So let's look at Page 2 of Chairman's
10 Exhibit 4, Lines 20 through 28, and see if there are
11 any changes that we have to make.

12 Any further discussion?

13 (No response.)

14 CHMN. CHENAL: If not, may I have a motion to
15 approve?

16 MEMBER HAMWAY: So moved.

17 MEMBER GENTLES: Second.

18 CHMN. CHENAL: Motion and a second. All in
19 favor say aye.

20 (A chorus of ayes.)

21 CHMN. CHENAL: Let's go to Page 3 of
22 Exhibit 4 and look at Lines 1 through 12.

23 Any further discussion on Lines 1 through 12
24 on Page 3 of Chairman's Exhibit 4?

25 (No response.)

1 CHMN. CHENAL: If not, may I have a motion?

2 MEMBER HAENICHEN: So moved.

3 MEMBER NOLAND: Second.

4 CHMN. CHENAL: We have a motion and a second.

5 All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: Conditions 1 through --

8 MEMBER PALMER: Mr. Chairman, I would move
9 Conditions 1 through 25 as adopted by this Committee as
10 to form in CEC-1 to be the conditions in CEC-2.

11 CHMN. CHENAL: Okay. We have a motion. May
12 I have a second?

13 MEMBER HAENICHEN: Second.

14 CHMN. CHENAL: All in favor say aye.

15 (A chorus of ayes.)

16 CHMN. CHENAL: Thank you. Now, let's just
17 put up what the Exhibit A will be to Chairman's
18 Exhibit 4, and that will be INV-9, Page 3.

19 MR. ACKEN: INV-8, Page 3.

20 CHMN. CHENAL: Oh, I'm sorry. INV-8, Page 3.
21 I want to make sure that Member Noland is satisfied
22 with this, as well as the other Committee Members.

23 MEMBER NOLAND: I'm good.

24 CHMN. CHENAL: So may I have a motion to
25 approve INV-8, Page 3 as Exhibit A to Chairman's

1 Exhibit 4?

2 MEMBER NOLAND: So moved.

3 MEMBER RIGGINS: Second.

4 CHMN. CHENAL: We have a motion and a second.

5 All in favor say aye.

6 (A chorus of ayes.)

7 CHMN. CHENAL: Now, the fun part. We need to
8 take a vote on Chairman's 2 and Chairman's 4.

9 MR. ACKEN: Mr. Chairman.

10 CHMN. CHENAL: Yes, Mr. Acken.

11 MR. ACKEN: I believe that I heard the motion
12 from Member Palmer was to --

13 MEMBER NOLAND: Yes.

14 MR. ACKEN: -- approve Conditions 1 through
15 25, but not the findings of fact.

16 CHMN. CHENAL: Yes.

17 MEMBER NOLAND: I was just going to say that.

18 Mr. Chairman, I'd like to move Findings of
19 Fact and Conclusions of Law 1 through 6.

20 CHMN. CHENAL: Yes, very good. Thank you.

21 We have a motion. May I have a second?

22 MEMBER RIGGINS: Second.

23 CHMN. CHENAL: All in favor say aye.

24 (A chorus of ayes.)

25 CHMN. CHENAL: Okay. Thank you very much.

1 Thank you very much.

2 MS. BENALLY: Chairman.

3 CHMN. CHENAL: Yes.

4 MS. BENALLY: I apologize for interrupting.

5 The date on the bottom of this document is 2019, so I
6 think just changing that to 2020. And perhaps that's a
7 part of your conforming change, so --

8 CHMN. CHENAL: Yes.

9 MS. BENALLY: -- I apologize for the
10 interruption.

11 CHMN. CHENAL: Correct. No, that's -- and we
12 won't know what date it will be signed yet. It will be
13 the blank day of November 2020. Because I have to wait
14 to get this from the applicant once it's cleaned up,
15 and that will probably be Monday, assuming we vote to
16 approve. I'll be back in the office Monday. So I'm
17 assuming that change can also be made to Chairman's
18 Exhibit 2.

19 Member Noland.

20 MEMBER NOLAND: Mr. Chairman, just one
21 question. I'm trying to find it here before we adopt
22 both of these. I know we said Exhibit 8, Page 2. Did
23 we say that in the body where the description is on --
24 they just should have either different exhibit names or
25 numbers, or we're going to have to refer to them a

1 different way. They both say Exhibit A, but we don't
2 know --

3 CHMN. CHENAL: Member Noland, I think that's
4 why we put it up there. And it will not say INV-8. It
5 will say -- it will just be -- the document itself will
6 be attached as Exhibit A, but there will be different
7 pages attached. So the Exhibit A to CEC-1 will be
8 different than the Exhibit A to CEC-2.

9 MEMBER NOLAND: That's correct. They're just
10 both marked INV-8.

11 CHMN. CHENAL: Well, let's make this change.
12 Let's take INV-8 off of the Exhibit As. They will
13 simply be Exhibit A.

14 MEMBER NOLAND: So for CEC-1 would be
15 Exhibit A, which is Page 1 of --

16 CHMN. CHENAL: Correct.

17 MEMBER NOLAND: -- the exhibits. And for the
18 CEC-2, Exhibit A will be the third page of these
19 exhibits?

20 CHMN. CHENAL: Yes.

21 MEMBER NOLAND: Okay.

22 CHMN. CHENAL: Yes.

23 MEMBER NOLAND: So Mr. Chairman, I'd like to
24 move that we approve CEC-1, Certificate of
25 Environmental Compatibility 1, as modified and voted

1 on.

2 CHMN. CHENAL: As modified and as reflected
3 in Chairman's Exhibit 2?

4 MEMBER NOLAND: Yes.

5 MEMBER PALMER: I'll second that motion.

6 CHMN. CHENAL: We have a motion and a second.
7 Let's take a roll call vote, please. Let's start with
8 the people online.

9 MEMBER HAMWAY: Mary Hamway, I vote aye.

10 CHMN. CHENAL: Member Branum.

11 MEMBER BRANUM: Thank you, Chairman. I vote
12 aye.

13 CHMN. CHENAL: Member Gentles.

14 MEMBER GENTLES: Thank you, Mr. Chairman. I
15 vote aye.

16 CHMN. CHENAL: Member Haenichen.

17 MEMBER HAENICHEN: Aye.

18 CHMN. CHENAL: Member Palmer.

19 MEMBER PALMER: Aye.

20 CHMN. CHENAL: Member Noland.

21 MEMBER NOLAND: Aye.

22 CHMN. CHENAL: Member Riggins.

23 MEMBER RIGGINS: Aye.

24 CHMN. CHENAL: Member Drago.

25 MEMBER DRAGO: Aye.

1 CHMN. CHENAL: And I vote aye.

2 All right. So we have CEC-1 that's approved.

3 And I think in the body of Chairman's Exhibit 2 we can
4 say the vote was nine to zero, if my math is right.

5 MEMBER PALMER: Yes.

6 MEMBER NOLAND: Mr. Chairman.

7 CHMN. CHENAL: Member Noland.

8 MEMBER NOLAND: Just to clarify, I should
9 have probably said the CEC-1 for Case No. 187, just to
10 be clear.

11 CHMN. CHENAL: For the AV crew, there is a --
12 in the introduction to the CEC, if you scroll up,
13 you'll see there's -- scroll to the very beginning of
14 the document. We have the lines, and it's voted blank
15 to blank. There we go. I can't see what line that is,
16 but it's nine to zero. Okay, very good. Thank you.
17 So that's on Chairman's Exhibit 2.

18 Now, let's go through and vote on the CEC-2,
19 which is reflected in Chairman's Exhibit 4. May I have
20 a motion to approve?

21 MEMBER PALMER: Mr. Chairman, I move approval
22 of CEC-2 in Case 187 as amended in the application.

23 CHMN. CHENAL: As reflected in Chairman 4.

24 MEMBER PALMER: Yeah, Chairman's Exhibit 4.

25 CHMN. CHENAL: We have a motion. May I have

1 a second?

2 MEMBER NOLAND: Second.

3 CHMN. CHENAL: Okay. Let's do a roll call
4 vote. Member Hamway.

5 MEMBER HAMWAY: I vote aye.

6 CHMN. CHENAL: Member Branum.

7 MEMBER BRANUM: I vote aye.

8 CHMN. CHENAL: Member Gentles.

9 MEMBER GENTLES: I vote aye.

10 CHMN. CHENAL: Member Haenichen.

11 MEMBER HAENICHEN: I vote aye.

12 CHMN. CHENAL: Member Palmer.

13 MEMBER PALMER: Aye.

14 CHMN. CHENAL: Member Noland.

15 MEMBER NOLAND: Aye.

16 CHMN. CHENAL: Member Riggins.

17 MEMBER RIGGINS: Aye.

18 CHMN. CHENAL: Member Drago.

19 MEMBER DRAGO: Aye.

20 CHMN. CHENAL: And I vote aye as well.

21 So congratulations to the applicant and APS.

22 I think it was a very well-presented case. If the
23 applicant can take the two CECs, Chairman's 2 and 4,
24 with the proper attachments, Exhibit As, and get them
25 to me, I will sign them, it will probably have to be

1 Monday, and we'll get them filed. So congratulations
2 on the CEC.

3 Thanks again to the attorneys, the
4 applicants, and the intervenors and the witnesses and
5 the AV crew.

6 Any further comment from the Committee?

7 MEMBER NOLAND: Mr. Chairman.

8 CHMN. CHENAL: Member Noland.

9 MEMBER NOLAND: Just for a point of
10 information, I don't know if everybody knows what a
11 hashknife is, as referred to in this project, but I was
12 a little curious about it. So it is a tool used by a
13 chuck wagon for -- in cooking, and it's the brand for
14 the Aztec Cattle Company.

15 CHMN. CHENAL: Very nice.

16 MEMBER NOLAND: And there's a hashknife pony
17 express also that does a pony express run every year,
18 and I think that's also out of the Aztec Cattle
19 Company.

20 CHMN. CHENAL: Very nice. It's good to know
21 that. Very good to know.

22 Mr. Acken, anything further before we close
23 the hearing?

24 MR. ACKEN: Thank you, Mr. Chairman, Members
25 of the Committee, the crack AV staff, our court

1 reporter, and everyone who participated both here and
2 virtually. We really appreciate your time, your
3 attention, your patience, and your support. Thank you
4 very much.

5 MEMBER HAENICHEN: Mr. Chairman.

6 CHMN. CHENAL: Yes, Member Haenichen.

7 MEMBER HAENICHEN: I'd just like to make one
8 comment. For the life of me, I cannot understand how a
9 3-mile transmission line, 500 kV transmission line on
10 level territory, can cost \$25 million, and I'd love to
11 hear an explanation.

12 MR. ACKEN: Mr. Chairman, Member Haenichen, I
13 believe that that cost includes not only the Gen-Tie,
14 but the new project substation and the interconnection
15 facility.

16 MEMBER HAENICHEN: I understand. But I
17 still, even including that, find it hard to believe,
18 but not important.

19 CHMN. CHENAL: Okay. Ms. Benally, anything
20 else?

21 MS. BENALLY: I'm sorry?

22 CHMN. CHENAL: Any closing remarks before we
23 close the hearing?

24 MS. BENALLY: I'm sorry. I just got a little
25 distracted with a text.

1 I want to look at CEC-2 to make sure that we
2 have the right compliance filing date. I believe it is
3 December 1st, which is a different cadence than what
4 CEC-1 is. If you would give me just a moment.

5 CHMN. CHENAL: Okay, sure.

6 MS. BENALLY: I am trying to locate the
7 condition that has the compliance filing date.

8 MR. ACKEN: It's Condition 18.

9 MS. BENALLY: Thank you, Mr. Acken.
10 Mr. Chairman, I apologize.

11 CHMN. CHENAL: Can we scroll to 18, please.
12 Let's see what's up on the screen.

13 MS. BENALLY: So I apologize. I was not
14 attentive to this. When we submitted the CEC-2 to the
15 applicant, December 1st is the typical filing date APS
16 uses for all of its compliance filings. Certainly, we
17 can leave it November 1st, and perhaps at the time that
18 it gets transferred to APS we can make that change.

19 CHMN. CHENAL: Well, are you saying that
20 December 1st would be when the other compliance letters
21 are due by APS?

22 MS. BENALLY: Right. We have a number of
23 CECs that we file every year regarding compliance with
24 the conditions, and our cadence is December 1st.
25 However, I think we could potentially make that change

1 at the time, if now is not the right time to make the
2 change. I understand that you have already voted and
3 the CEC-2 has passed, has been accepted by the
4 Committee. We might be able to deal with it during the
5 transfer of the CEC.

6 CHMN. CHENAL: Well, actually, it would
7 pertain to both CECs.

8 Member Noland.

9 MEMBER NOLAND: I think that the Corporation
10 Commission could make that change.

11 CHMN. CHENAL: Yeah.

12 MEMBER NOLAND: We've already voted on it
13 all, and I don't see going back in.

14 CHMN. CHENAL: Yeah.

15 MS. BENALLY: I apologize for raising it at
16 this late game. I don't have any other comments.
17 Thank you very much.

18 CHMN. CHENAL: So anything further from the
19 Committee?

20 (No response.)

21 CHMN. CHENAL: If not, this hearing is
22 closed. I look forward to getting the final versions,
23 Mr. Acken, and we'll get them filed. So thank you.
24 This hearing is final.

25 (The hearing concluded at 10:40 a.m.)

1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

3

4 BE IT KNOWN that the foregoing proceedings
5 were taken before me; that the foregoing pages are a
6 full, true, and accurate record of the proceedings all
7 done to the best of my skill and ability; that the
8 proceedings were taken down by me in shorthand and
9 thereafter reduced to print under my direction.

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

13 I CERTIFY that I have complied with the
14 ethical obligations set forth in ACJA 7-206(F)(3) and
15 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,
16 Arizona, this 21st day of November, 2020.

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KATHRYN A. BLACKWELDER
Certified Reporter
Certificate No. 50666

21

22

23 I CERTIFY that Coash & Coash, Inc., has
24 complied with the ethical obligations set forth in ACJA
25 7-206(J)(1)(g)(1) through (6).

26

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COASH & COASH, INC.
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Arizona RRF No. R1036

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