

1 BEFORE THE ARIZONA POWER PLANT
2 AND TRANSMISSION LINE SITING COMMITTEE
3

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

14 At: Phoenix, Arizona
15 Date: November 10, 2020
16 Filed: November 16, 2020
17

18 REPORTER'S TRANSCRIPT OF PROCEEDINGS
19

20
21 COASH & COASH, INC.
22 Court Reporting, Video & Videoconferencing
1802 N. 7th Street, Phoenix, AZ 85006
23 602-258-1440 Staff@coashandcoash.com

24 By: Kathryn A. Blackwelder, RPR
25 Certified Reporter
Certificate No. 50666

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 in Phoenix, Arizona, commencing at 2:04 p.m.
5 on the 10th of November, 2020, with all participants
6 appearing via videoconference.

7
8 BEFORE: THOMAS K. CHENAL, Chairman

9 APPEARANCES:

10 For the Applicant:

11 Dickinson Wright, P.L.L.C.
12 By Mr. Albert Acken
13 1850 North Central Avenue, Suite 1400
14 Phoenix, Arizona 85004

15 For Potential Intervenor Arizona Public Service
16 Company:

17 Snell & Wilmer
18 By Mr. J. Matthew Derstine
19 One Arizona Center
20 400 East Van Buren Street, Suite 1900
21 Phoenix, Arizona 85004

22 and

23 Pinnacle West Capital Corporation
24 Law Department
25 By Ms. Linda Benally, Senior Attorney, Regulatory
400 North Fifth Street
Phoenix, Arizona 85004

1 ALSO PRESENT:

2 Ms. Susan Innis, Invenergy, Project Manager

3 Mr. Brad Larsen, APS, Line Siting Consultant

4 Mr. Jason Spitzkoff, APS, Transmission Planning
and Interconnections Manager

5 Ms. Marie Cobb, Assistant to Chairman Chenal

6 Mr. Tod Brewer, Assistant to Chairman Chenal

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 CHMN. CHENAL: This is the time set for the
2 prehearing conference in the Hashknife CEC application,
3 which is one application, but will be for two actual
4 CECs.

5 May I have appearances, please.

6 MR. ACKEN: Thank you. Bert Acken of
7 Dickinson Wright on behalf of the applicant, Invenergy
8 and Hashknife Energy Center.

9 And with me is the project manager for
10 Invenergy, Susan Innis.

11 CHMN. CHENAL: Hello again.

12 Any further appearances? I know APS is
13 represented by counsel, Mr. Derstine.

14 MR. DERSTINE: Yeah. Good afternoon,
15 Chairman. Matt Derstine, Snell & Wilmer, appearing on
16 behalf of APS, who proposes to intervene in the case.
17 I think you've had some discussions at the prefiling
18 conference and other informal conferences about that
19 planned intervention. The application to intervene has
20 been filed, and I know you'll take that up at the time
21 of the hearing.

22 And I think joining on the call is Linda
23 Benally, regulatory counsel for APS, as well.

24 CHMN. CHENAL: Ms. Benally, hello.

25 And then who are the -- I mean, I know who

1 they are -- but just for the record, the other
2 gentlemen appearing on this call?

3 MR. DERSTINE: I'll let the APS folks state
4 their appearances. I don't have all my windows up, so
5 I'll let them give you the names.

6 CHMN. CHENAL: Mr. Spitzkoff, do you want to
7 start? I see you've got the Rutgers -- I think you're
8 on mute. That's probably good, because you don't want
9 to respond to what I'm going to say. Rutgers does not
10 belong in the Big 10; I just want that on the record
11 for the world to hear. Go ahead.

12 MR. SPITZKOFF: Good afternoon, Mr. Chairman.

13 CHMN. CHENAL: I'm just kidding; you know
14 that.

15 MR. SPITZKOFF: Jason Spitzkoff with APS,
16 manager of our transmission expansion teams. And I
17 believe your feelings on Rutgers in the Big 10 have
18 been on multiple records at this point.

19 CHMN. CHENAL: I think they have.

20 And Mr. Larsen.

21 MR. LARSEN: Yes. Brad Larsen, senior siting
22 consultant with APS. And I'm not a fan of those
23 Scarlet Knights either, so you're not alone.

24 CHMN. CHENAL: All right, thank you. That's
25 what I like, divide and conquer.

1 Let me start out by saying, I want to let you
2 know that Marie Cobb has been my assistant in these
3 line siting hearings for a number of years now, and she
4 has done, I think, an amazing job. I know the
5 Committee agrees with that, I believe; I'm sure the
6 applicants feel that way too.

7 Marie has taken another position in our
8 office, and she is basically, you know, in that
9 position, but has graciously agreed to assist with the
10 person who will be taking her place in this, Mr. Tod
11 Brewer, who is the only person not appearing by video,
12 I might note, but we'll have Mr. Brewer appear by video
13 in the subsequent meetings. But he's going to be
14 basically, you know, training with Marie on this case
15 and a couple other cases we have come -- or, at least
16 one other case we have coming up.

17 So I just want to let people know that. And
18 I want to just, on the record again, tell Marie that
19 I'm very, very happy for her and I think you've done an
20 amazing job. And I'm looking forward to working with
21 Tod Brewer, but I will tell him, he has big shoes to
22 fill.

23 So let's go through just a standard checklist
24 that I have that I like to cover just to make sure.
25 And if there's anything I miss, please -- you'll let me

1 know.

2 I just want to confirm that the lodging
3 arrangements for the Committee Members have been, you
4 know, been made for the hearing?

5 MR. ACKEN: Yes, Chairman. We have reserved
6 lodging for all Committee Members and the court
7 reporter. We provided that information to Marie and
8 Tod; I believe they both have that. If there are any
9 questions, concerns of the Committee Members with their
10 reservations, please let us know, but they should be
11 good to go at this stage.

12 CHMN. CHENAL: Okay, good.

13 Parties. We know we have the applicant. I
14 have received the motion to intervene; that's a matter
15 we'll take up with at the beginning of the hearing. I
16 don't see any issues. If I had the authority -- if I
17 felt I had the authority to make that decision right
18 now, I would, but that one we'll take up right away.

19 Just a couple checklist items here. Notice
20 to affected jurisdictions, I saw that was filed. And
21 just to confirm, Mr. Acken, the affected jurisdictions
22 to whom that notice was sent.

23 MR. ACKEN: Yes, Your Honor. We sent notice
24 to Navajo County, as well as Arizona State Land
25 Department. The gen-tie itself will be entirely within

1 Navajo County, but the larger project area, including a
2 portion of the solar project itself, is on State land,
3 and so notice has been sent to State Land as well.

4 CHMN. CHENAL: All right, very good.

5 The Notice of Hearing, that's been filed, and
6 I know it was provided to interested parties. Just to
7 kind of review, the hearing will start in Flagstaff at
8 1:00 p.m. November 16th and continue through
9 November 19th, as necessary, beginning at 9:00 a.m.

10 There will be a special comment evening
11 session -- public comment will be taken at an evening
12 session on November 16th beginning at 6:00.

13 And as we discussed in the prefiling
14 conference and in a number of conferences we had, we're
15 obviously going to be very strict with -- because of
16 the COVID virus, we're encouraging the public to appear
17 online and not in person to the extent possible. We
18 will limit the number of people in the hearing room at
19 any one time to 10, and we'll maintain social
20 distancing.

21 When we do deliberate -- when I say "we," the
22 Committee deliberates -- to the extent possible, I'd
23 like to have the Committee in the room at the same
24 time. And I know that -- I believe --

25 Marie, could you confirm who we're going to

1 have -- well, the number of Committee Members,
2 including myself? I thought it was eight.

3 MS. COBB: So we had -- initially, it was
4 going to be --

5 CHMN. CHENAL: Just on the last day. Just
6 the last day.

7 MS. COBB: I believe it's going to be eight
8 of you.

9 CHMN. CHENAL: Okay. Well, if we have a
10 limit of 10, there might be some juggling. And if we
11 have to have one of the Committee Members appear
12 remotely, we can, but I just think it's going to be a
13 lot easier that we have them all available as we go
14 through the normal process of reviewing the CEC line by
15 line. There's going to be two CECs, so I think it's
16 going to take a little longer.

17 I know you're all familiar with how we do it.
18 I just -- I'm trying to anticipate and avoid a problem.
19 And with a limit of 10 people in the room, I just would
20 ask the applicant, you know, and APS to give some
21 thought as to how we manage that when we begin the
22 deliberations. I think that's just more of a comment
23 than a request for any update at this point. And we'll
24 adjust as we need to.

25 At the beginning of the hearing -- let me ask

1 again. Who do you anticipate, Mr. Acken, physically
2 being in the room with you at the beginning of the
3 hearing? Because that will dictate maybe how many
4 Committee Members we ask to not appear live that
5 first -- when the hearing starts.

6 MR. ACKEN: Thank you, Mr. Chairman. So it
7 will be myself and Susan. I would like to have a third
8 Invenergy rep in the room to assist with AV needs. In
9 addition to that, there will be one facility AV person
10 and then Kathryn. So you have, what is that, three
11 Invenergy, AV, and Kathryn is five alone right there.

12 MS. INNIS: Bert, if I could just add to
13 that. The AV staff are not included in the 10-person
14 limit, according to the facility. So we'll just have
15 to worry about the folks involved in the hearing, and
16 then we'll have one or two AV people from the facility
17 that will not be counted towards that official
18 10-person headcount. So we've got a little bit of
19 wiggle room there.

20 CHMN. CHENAL: So if my addition was correct,
21 that would be four people not including the AV people:
22 Three on the applicant's team; Kathryn, the court
23 reporter, is four. And then we'd have six from the
24 Committee. If there's eight Committee Members, we'll
25 have to ask two of the Committee Members to appear

1 remotely.

2 MR. ACKEN: Mr. Chairman, don't forget APS
3 would like to have one person in the room.

4 CHMN. CHENAL: That's right. So we're back
5 to where we were. So five Committee and -- that's
6 right.

7 Ms. Benally, we wouldn't want to forget you.
8 I don't know who's going to be there -- I guess you
9 could decide and let me know -- Mr. Derstine or
10 yourself. And however you want to do that is fine.
11 And you may do what I think the Committee will end up
12 doing, and that is kind of rotating.

13 I think I'm going to ask the Committee to see
14 if they can work it out themselves who wants to appear
15 on any given day; and if not, I'll have to make the
16 decision. But I think the Committee will be able to
17 work that out very well.

18 Okay. So the Notice of Hearing. As I think
19 we've discussed many times, there will be no tour, live
20 tour, of the project for obvious reasons. But as I've
21 asked, I would ask for maybe a more robust -- a little
22 more comprehensive flyover, Google flyover, to kind of
23 show the route and the project. I know it's not a long
24 line, but -- you know, a lot of these flyovers, it
25 seems they take about one or two minutes, you know.

1 Just slow the plane down, you know. Get a different
2 airplane out there and slow it down a little.

3 With respect to the agenda, we filed that as
4 well. Are there any changes, additions to that that we
5 should know about since we have a -- we can file any
6 revisions by Friday. If you haven't looked at it, just
7 take a look at it again. Just let me know if you have
8 any changes you think should be made, because we can
9 file all the way up until -- you know, before 1:00 p.m.
10 on Friday. It's a standard agenda we use, but just in
11 case we have a problem there we're not seeing.

12 MR. ACKEN: Mr. Chairman, no concerns with
13 the agenda. I just wanted to get your thoughts on
14 posting it at the facility, when we should have that
15 done and posted, if at all, at the facility, or is it
16 going to be posted online on the Commission's website?
17 What are your thoughts there?

18 CHMN. CHENAL: Well, I think in normal
19 cases -- it's of record now because we filed it. Is it
20 on the website, the project website? I guess that's a
21 question. Susan is shaking her head no.

22 Are any of the -- are any of the pleadings,
23 other than the application, on the project website?

24 MS. INNIS: Not at this time, but we can
25 certainly add those quickly.

1 CHMN. CHENAL: I would do that. I think
2 that's probably a good idea. That's one more way that
3 the agenda gets out.

4 And, Mr. Acken, I have seen in cases where
5 the agenda is posted outside of the hearing room, the
6 meeting room, so it's probably a good idea that we do
7 that. If it's possible to do it, you know, by
8 1:00 p.m. on Friday, that would be probably the best
9 case.

10 MR. ACKEN: Okay. Thank you.

11 CHMN. CHENAL: Okay. We have -- we expect
12 that we will, with not any difficulty, finish the
13 hearing by Thursday. As typical, I mean, we might get
14 to it Wednesday, but I would really like to start the
15 deliberative process in the morning, if at all
16 possible. I mean, if we're done at noon on Tuesday,
17 we'll start it for Tuesday afternoon. But if it's, you
18 know, 2:00 in the afternoon or something like that, I
19 think we'd wait until the next day. And I doubt we'll
20 be going into Thursday, but we never know.

21 But that's just in keeping with previous
22 cases where I think the deliberative process on the CEC
23 is much -- it's a better process when the Committee is
24 fresh, starting in the morning. So, you know, I think
25 I've mentioned that certainly in this case, but I have

1 in other cases as well.

2 We'd like sign-in forms somehow for public
3 comment. That's going to be a little different than
4 most cases, because most cases people show up and sign
5 their name and give their contact information. You
6 know, the procedural order requires that if there are
7 amendments made later to the CEC, that notice be given
8 to those people who appeared -- provided public
9 comment, so that's really the reason for it and how we
10 keep track of them.

11 So I guess I'll leave it to the applicant to
12 figure out how to gather that information when people
13 provide public comment, you know, by video, let's say,
14 or by phone. Maybe whoever is the gate keeper that's
15 there can obtain that information and keep a list of it
16 so that it's available and can be introduced at the end
17 as an exhibit to the case. Make sense? I don't think
18 this is any different than any other case. I think it
19 just requires a little more talk about it in advance.

20 Any need for security in this case?

21 MR. ACKEN: No, Mr. Chairman.

22 CHMN. CHENAL: I didn't think so.

23 So can you remind me how the public is going
24 to make its comment?

25 MR. ACKEN: Well, we are going to have an

1 opportunity for virtual comment. And we do anticipate
2 a couple -- at least one public commenter who would
3 like to present in person, but Susan has been in
4 discussions with him and others and can provide further
5 insight as to where we stand on that.

6 MS. INNIS: Sure. Following up on this call,
7 I'll circulate the Zoom call-in details that we posted
8 this morning on our Hashknifesolar.com website with
9 instructions for how the public can call in. That's
10 also available if anybody is not going to be in the
11 meeting room in Flagstaff and wants to listen in to the
12 hearings, they'll be able to call in that way as well.
13 So I'll circulate that to Bert with everybody involved
14 in the case later today.

15 But the idea is that Zoom is going to be the
16 call-in platform we use. We'll be able to take public
17 comment. And we'll have, as you called it,
18 Mr. Chairman, a gatekeeper to keep track of who's
19 coming and going, and we'll make a note to make sure
20 they capture contact details for the people who do call
21 in or participate in person.

22 CHMN. CHENAL: Perfect. And, yes, I was
23 going to get to that, the logistics of how the video
24 portion of the hearing will be held, because our
25 Committee Members will need that, obviously the ones

1 that aren't live -- that aren't in person, I should
2 say. So, yeah, that will be good. So I think we're
3 familiar with Zoom and how that works.

4 Now, what will the -- what will we see in the
5 hearing room, question one? And then question two,
6 what will a person see that's appearing virtually?

7 MS. INNIS: Those are great questions. What
8 we're planning to do is have the folks participating in
9 the hearing, all the official parties and the
10 Committee, in sort of a horseshoe facing, we'll call
11 it, a movie screen. We'll have a PowerPoint slide
12 presentation for all the witnesses projected up on that
13 movie screen, so everybody in the room will be able to
14 see that. And then we have a video camera that will
15 kind of capture a widescreen view of the meeting room,
16 so folks calling into the Zoom will have a video of the
17 participants, and then simultaneously they'll see that
18 PowerPoint screen via Zoom. So they'll be able to
19 hopefully watch both the presentations for testimony,
20 as well as watch the conversation within the meeting
21 room.

22 The AV team there will have individual
23 microphones for everybody in the hearing room, so we're
24 -- they've done this a few times now, so we're hoping
25 that will go smoothly where everybody sitting around

1 that horseshoe in the meeting room, as well as anybody
2 who needs to participate remotely on Zoom, it will be
3 like they're in the meeting room with us there.

4 CHMN. CHENAL: So what will be on the --
5 okay. So I will have -- is it a computer or an iPad or
6 a Surface Pro or something that will be mine that will
7 show the video screens or not?

8 MS. INNIS: Yeah, we have arranged to have
9 laptops. We understood from Marie that most of the
10 Committee Members would have their own laptops. When
11 they arrive Monday afternoon, we can quickly load up
12 materials electronically on everybody's laptop --
13 personal laptops, if they bring them. If they don't
14 have a personal laptop, we'll provide one rented from
15 NAU. So everybody will have all of the application and
16 PowerPoint slides electronically there, and then you'll
17 also be able to see them up on that screen in the room.

18 CHMN. CHENAL: Okay. So will an iPad
19 suffice?

20 MS. INNIS: Uh-huh. If there's a way for us
21 to load materials on it, either electronically
22 downloading, or if it has a USB we can plug in a memory
23 stick.

24 CHMN. CHENAL: Right. It doesn't have a USB.
25 And most of the Members have iPads, as I recall, so it

1 would have to be done electronically.

2 MS. INNIS: Okay. We can download that,
3 yeah.

4 CHMN. CHENAL: I know this is a brave new
5 world for all of us. So I understand I'm going to
6 see -- if I'm in the room live, I'm going to see -- on
7 the screen I'm going to see the PowerPoint. But will I
8 have the opportunity -- and I know I'll obviously be
9 able to see the people in the room live. But will
10 there be a way for me to see like the Zoom, the
11 Hollywood Squares Zoom, where I'm going to see other
12 people who are appearing virtually and I'll see them on
13 a screen, or will it be on my iPad or how?

14 MS. INNIS: Yep, the Zoom would be on your
15 iPad.

16 CHMN. CHENAL: Got it. All right. I
17 understand. Very good.

18 And then the -- one of the screens will be
19 the hearing -- if I were appearing remotely, one of the
20 screens will be basically the camera inside the hearing
21 room showing the horseshoe and all the people in it,
22 right?

23 MS. INNIS: That's right.

24 CHMN. CHENAL: But the individuals in the
25 room will not have their own Hollywood Square, will

1 they?

2 MS. INNIS: If we have everybody call into
3 the Zoom, yes, we'd have that capability.

4 CHMN. CHENAL: Okay. And I'm just trying to
5 anticipate. I'm just trying to anticipate here. So on
6 my iPad you will have loaded the materials, the
7 PowerPoint, you know, at least.

8 MS. INNIS: Uh-huh.

9 CHMN. CHENAL: And then I will call in to the
10 hearing on my iPad that's in front of me, so that will
11 give me access to see everyone else who's appearing
12 Zoom, but then I'll be in the hearing room live and
13 I'll see what obviously is happening there. If I'm not
14 in the room and I'm appearing virtually, I will again
15 see everyone's square, but one of those squares will
16 really be a camera of the hearing room itself and I
17 will see the hearing taking place that way.

18 MS. INNIS: That's right.

19 CHMN. CHENAL: Okay. And the AV crew will
20 have the microphone set up so that the person speaking
21 will have the live mic or something similar to that?

22 MS. INNIS: Yeah. They tell us they'll be
23 able to control the mic, so one person at a time around
24 the horseshoe in the room or via Zoom can speak and
25 we're not all talking over each other.

1 CHMN. CHENAL: Okay. I believe with Zoom we
2 have what's called the speaker view, where the person
3 who is speaking pops up. I suppose that will be an
4 option as well for people that want to -- instead of
5 the grid pattern or gallery view, that will be another
6 option if people want it, the speaker view?

7 MS. INNIS: That's right.

8 CHMN. CHENAL: But that's -- that's, in part,
9 controlled by the AV guys, I guess, because they're
10 going to control the microphones. But I can see a
11 little issue there if someone has their iPhone on, and
12 normally the iPhone will pick up -- or, the iPad will
13 pick up the speaker, but -- we'll work that out. I
14 think that -- I think the way you've explained it makes
15 sense and it's the best we'll be able to do and I don't
16 see a problem with it, so we'll keep our fingers
17 crossed.

18 Kathryn, does that work for you? You're not
19 allowed to talk, so, yes. I'll take that as a yes.

20 And I think we've talked about the public
21 comment. One person will show up in person. Other
22 people will be able to appear via Zoom, and we'll
23 obviously listen to their comments.

24 We'll have a tour, a Google Earth tour,
25 Mr. Acken?

1 MR. ACKEN: Yes, Mr. Chairman. And per your
2 request, and with the understanding that there would be
3 no in-person tour, it's certainly more robust than
4 other ones I've done recently, and I think that it
5 will -- it's certainly our intent and hope that it
6 accomplishes the goal of an in-person tour and perhaps
7 exceeds them, because we can get to places you can't
8 necessarily get to driving.

9 CHMN. CHENAL: All right. Procedural order.
10 I've seen the testimony summaries; they are very
11 summary fashion. If the lawyers are getting paid by
12 the word, the bill for these summaries should not be
13 very much -- should not be very much in attorney's
14 fees, I'll just note that, but we have those. I guess
15 the CEC came in, the one; we'll get the other. There
16 could be some --

17 You know, kidding lawyers about bills, that
18 always gets a little -- that makes everyone feel a
19 little uncomfortable. I know that, having been in that
20 position myself.

21 But we'll get the CEC. Probably maybe some
22 changes to CEC 1, I'll call it, and you'll be filing
23 CEC 2.

24 The exhibits. I don't know if you filed
25 exhibits or where you are with that, if you could just

1 let us know.

2 MR. ACKEN: Mr. Chairman, we are not planning
3 to prefile the exhibits. We have exchanged some -- or,
4 most of the exhibits with APS in draft form. We still
5 are working through some -- our slide deck. And so
6 once that is final, we will exchange everything with
7 APS, as well as send a copy to you, Marie, and Tod.
8 But our intention is not to prefile them, since they
9 will be filed as part of the record, and make -- and
10 have both hard copies and electronic copies available
11 in Flagstaff.

12 CHMN. CHENAL: Yes, I totally misspoke.
13 There was a -- we had a major problem on another case,
14 so I revised the procedural order to not require the
15 prefiling of the exhibits. One poor applicant -- or,
16 intervenor had a huge number of exhibits and was told
17 he had to provide I don't know how many copies of it
18 when he tried to prefile them, and it was -- it was
19 obviously way out of line and burdensome, so we got rid
20 of that.

21 So as long as you're -- I know you're working
22 together on the case. It's not like the typical case
23 where you have an adversarial relationship with an
24 intervenor, so I don't really have a problem if it
25 takes you a little longer to work out the exchange of

1 exhibits and get those filed.

2 The CEC, I would like to have that as quickly
3 as possible, because that will give us time to start
4 analyzing it. So as soon as you have those, just
5 please send them to Marie and Tod in an e-mail in Word
6 format so we can start looking at that. That is
7 something that's important for us to get after as soon
8 as possible.

9 There's no legal issues, that I'm aware of.
10 It's on the checklist, but I don't think there's any
11 legal issues outstanding that we need to concern
12 ourselves with at this stage?

13 MR. ACKEN: Mr. Chairman, not from our
14 standpoint. This is a straightforward 3-mile or
15 3-and-a-half-mile gen-tie.

16 CHMN. CHENAL: Yep. Standard question I
17 always ask. You've made financial arrangements with
18 the Corporation Commission such that if the filing fees
19 aren't sufficient to cover the expenses, the applicant
20 will pay those expenses, is that correct?

21 MR. ACKEN: We have.

22 CHMN. CHENAL: I believe at one of the
23 previous hearings we were told the Corporation
24 Commission Staff does not intend to intervene; is that
25 correct?

1 MR. ACKEN: That's correct. I have been told
2 directly by Commission Staff that they will not
3 intervene.

4 CHMN. CHENAL: Is there any litigation, you
5 know, existing -- I mean, pending or threatened
6 regarding the project, that you're aware of?

7 MR. ACKEN: Not to my knowledge.

8 CHMN. CHENAL: Are there any permits that --
9 well, when are the permits necessary for this project
10 in addition to the CEC? I believe there was a special
11 use permit from Navajo County for the project, or maybe
12 you could just summarize that for me.

13 MR. ACKEN: I'm going to turn that over to
14 Susan. I believe those permits are -- other permits
15 that are required are primarily for the solar facility
16 itself, but she's been living this project and can
17 describe all of them.

18 CHMN. CHENAL: Sure.

19 MS. INNIS: Yeah, that's right. We obtained
20 a special use permit from Navajo County for the solar
21 project. They're leaving jurisdiction over the T line
22 to you guys here. And then the remainder of permits
23 are really construction permits right before we break
24 down, storm water permits, building permits, things
25 like that. So we have all the discretionary permits

1 required to date.

2 CHMN. CHENAL: Good. Okay, perfect.

3 All right. I'm almost finished.

4 We have the -- you'll have either -- I mean,
5 laptops for Committee Members if they need them. And
6 for those that have their own, you'll be available to
7 load any of the documents into their own iPads. But
8 when do you anticipate being able to do that? You
9 know, we don't want to start at 1:00, start loading
10 documents into iPads. So I guess I'm going to have
11 to --

12 Marie, maybe we've got to get word out to --
13 if people are there. A lot of them will be there in
14 the morning or maybe the night before. Maybe there's a
15 way we could get the iPads to the applicant and that
16 process could begin sometime Monday morning, because it
17 may take a little while to load some of that stuff onto
18 the iPads. But maybe we can facilitate that and work
19 out how we can get the iPads to you, you can load it,
20 and we can all have it ready to go before 1:00.

21 MR. ACKEN: That makes sense. We will have
22 access to the hearing room, so they can coordinate the
23 e-mail beforehand as it makes sense. But we'll have
24 people on site Sunday night and first thing Monday
25 morning and available to do that, because I agree it

1 would be nice to have all of that done before we're
2 trying to actually go on the record with this hearing
3 at 1:00.

4 CHMN. CHENAL: Right. And most people, like
5 I said, are going to be there probably the night
6 before, certainly in the morning, so there should be
7 time to do that.

8 Jack Haenichen likes cookies, whether it's
9 live or he's in a hotel room virtually, just a word to
10 the wise. And I know Jack is going to be reading the
11 transcript, and he'll get to that point and he probably
12 will be smiling and saying, exactly right. They better
13 have cookies for me.

14 Let's talk about --

15 MR. ACKEN: Mr. Chairman.

16 CHMN. CHENAL: Yes.

17 MR. ACKEN: Before we leave that topic, I
18 don't know that we're going to be providing any food at
19 the hearing.

20 CHMN. CHENAL: I was just going to talk about
21 that. I was going to say, normally we have kind of a
22 little room available for Committee Members for lunch
23 and that, and I just wanted to talk about that with
24 you. In this day and age at this time, it probably
25 isn't the smartest thing. I wanted to just ask what

1 your intentions were in regard to that. I think you
2 just said it, that there's not going to be food
3 available.

4 MS. INNIS: Well, I hate to correct my
5 counsel here, but we do have sack lunches, kind of
6 individually packaged lunches. And the thought would
7 be we've got really the whole conference center to
8 ourselves for these hearings next week. So between the
9 main meeting room and two or three little breakout
10 rooms, we should be able to spread out during
11 lunchtime. If it's nice, we can go eat outside. So
12 with everything individually packaged, I think we'll be
13 in good shape there. And I'm taking a note about the
14 cookies.

15 CHMN. CHENAL: That would be a good note to
16 take.

17 Okay. So lunches will be provided kind of on
18 an individual basis; that's good. Now, let me just ask
19 about breakfast because they will ask me or they will
20 ask Marie. Is that something they get through the
21 hotel or on their own? What do you suggest? Or have
22 you given thought to that? Because normally the
23 breakfast is provided to the Committee as a group, but
24 in a private room, but that's probably not the way to
25 do it this time.

1 MS. INNIS: To be honest, I should have
2 double-checked on that before we got on the call. If
3 you're used to having breakfast, we can certainly
4 provide it.

5 CHMN. CHENAL: Well, we are, I just don't
6 know where. I think the hotel -- I think the Drury Inn
7 has a breakfast at the hotel, if I remember.

8 MR. ACKEN: It does.

9 CHMN. CHENAL: Then that would be fine. Then
10 that just comes with the room, I suppose, or it's an
11 add on, but it wouldn't be added to the cost. But I
12 think that's fine and that would take care of
13 breakfast. Maybe if someone verifies that just to make
14 sure. You know, I'm assuming they're still offering it
15 during the COVID period, but let's not be surprised,
16 ugly surprise, you know. And maybe just confirm with
17 Marie, and Marie can just let the Committee and Tod
18 know that breakfast is through the hotel and then lunch
19 will be -- individual lunches will be provided at noon,
20 okay?

21 MS. INNIS: Let me confirm that, okay?

22 CHMN. CHENAL: Yeah.

23 MS. COBB: Chairman, I just wanted to give a
24 brief reminder that Member Haenichen is colorblind, so
25 try to avoid -- you know, make sure you have a green

1 laser pointer and try to avoid anything that's
2 important on any of the exhibits being highlighted in
3 anything in the red family, because he will not be able
4 to see them. So just a friendly reminder.

5 MR. ACKEN: Thank you.

6 CHMN. CHENAL: I didn't even know that. It's
7 a closely-guarded secret. I didn't even know that.

8 Any other -- that's it for my checklist. Any
9 other matters we should discuss?

10 Matt, what's your bet for how long this
11 hearing takes?

12 MR. DERSTINE: Boy, I don't know. I haven't
13 seen Bert in action, but I'm guessing he's very
14 efficient. So I'm guessing you'll be ready to
15 deliberate certainly by Wednesday morning.

16 CHMN. CHENAL: Well, even I have to think
17 that's probably sounding probably accurate. But what
18 we can't account for quite yet are any delays as a
19 result of how the hearing will be held, but, you know,
20 we'll move it along as well as we can.

21 I kind of think we should plan on Wednesday
22 morning doing the deliberations, even if we finish up
23 pretty early Tuesday in the early afternoon. I'm just
24 telling you from experience, I think that will go much
25 better. And when we have two of them to go through,

1 there may -- you know, it doesn't sound like a
2 controversial project, but we'll see how it goes.

3 Will there be a few binders available with
4 hard copy documents? I know people have been provided
5 those already, but I think it would be a good idea to
6 have one or two copies available just in case.

7 MR. ACKEN: We will, Mr. Chairman, of both
8 the application and supplemental material.

9 CHMN. CHENAL: Sure.
10 That's all I had.

11 MS. COBB: Bert, I just wanted to
12 double-check, because I haven't received anything back.

13 Chairman, Member Gentles asked me yesterday
14 if he could appear in person. He had initially said he
15 was going to attend virtually. And so I just wanted to
16 double-check if your team, Bert, was able to get that
17 reservation set up for him, because I haven't heard
18 anything.

19 MR. ACKEN: I believe we have, but Susan can
20 confirm.

21 MS. INNIS: Yes.

22 MS. COBB: Okay. If I could get the -- his
23 confirmation number, that way I can send it to him.

24 MS. INNIS: I'll follow up with that, Marie,
25 after we double-check on the meals.

1 MS. COBB: Okay, great. Thank you.

2 CHMN. CHENAL: Anything else?

3 MR. ACKEN: Nothing from me. Thank you.

4 CHMN. CHENAL: All right, good. If something
5 comes up in the next few days, just holler; otherwise,
6 I look forward to seeing everyone Monday. We'll start
7 at 1:00. I mean, we can -- we have the public comment
8 at 6:00. You know, we'll finish at 5:00, or shortly
9 thereafter, have a break, have the public comment,
10 there probably won't be much, have the hearing on
11 Tuesday, probably finish up with the deliberations on
12 Wednesday, and I think that will be good.

13 So do we need to talk about the deliberations
14 and how we have done it in the past with kind of what
15 you start with, with your version of the CEC, with any
16 revisions or changes or additions that we make that can
17 be redlined, and that can -- and sometimes I put those
18 in not necessarily that I recommend an additional
19 addition to the Committee, but just to discuss it and
20 get it on the record why it shouldn't apply.

21 But if we have that on one screen, and then
22 on a second screen we have -- we have basically a
23 document -- and we give each one of those a number, an
24 exhibit number. And on the second screen, as we go
25 through and we make changes, you know, to the CEC, kind

1 of a running -- as we go through, we go through
2 basically paragraph by paragraph, then we make changes
3 to it and we add, we delete, you know.

4 And then what we come up with at the end will
5 become what we vote on as the final CEC. And then we
6 make that documentation, like I said, its own exhibit
7 number, and then one is able to compare as we refer to
8 the two screens by their two exhibit numbers. And then
9 we can see what we start with, what we end up with.
10 And then it's easy to see and follow, then, what
11 changes were made. And then that second screen, what
12 we end up with there with the changes that we kind of
13 vote on as we go through, we do a final vote on it, and
14 that becomes the final CEC. Of course, the applicant
15 goes back and accepts all the changes and puts it in
16 final format.

17 So that's how we do it, and I think it works
18 out pretty well, not a very complicated process, and I
19 think that's the easiest way to do it. And then we'll
20 do that for two CECs.

21 MR. ACKEN: Mr. Chairman, certainly familiar
22 with the process, and we will make sure that we can do
23 the two screens. My only concern with the two screens,
24 at this moment, is being able to project both of them
25 for people who are watching online, but we'll take that

1 as something under advisement to make sure that we have
2 figured out a way to make that happen so that people
3 can follow along.

4 CHMN. CHENAL: Well, maybe one way to do that
5 is that camera you're going to have on the hearing room
6 itself, maybe for the deliberative stage, since the
7 hearing is technically over, maybe that camera could be
8 brought around and only focus on the two screens.

9 MR. ACKEN: Yeah, that's a great idea. That
10 simplifies life quite a bit.

11 CHMN. CHENAL: And then how do we -- last
12 question I have, and I'm glad we're talking about it
13 now. How are we going to differentiate between your
14 two CECs? It can't be by number, right? Is it going
15 to be CEC -- what case is this -- 187A and CEC 187B or
16 how are you going to do that?

17 MR. ACKEN: So the first one I filed today,
18 we proposed to call it CEC 1 and then have CEC 2. If
19 you prefer -- and that might be a good idea to call it
20 187A and 187B. You know, whatever works. But the
21 nomenclature I started with was 1 and 2 to
22 differentiate, and we referred to them as companion
23 CECs. But again, whatever makes the most sense.

24 CHMN. CHENAL: I'll leave that to you. What
25 you said sounds good too.

1 Okay. I can't think of anything else, at
2 least not until we finish the call, and then I'll think
3 of something in about five minutes, something really
4 important, I know, but I can't think of it now. But I
5 think we've done enough of these together that I think
6 this will be fine. The only interesting aspect is it's
7 going to be virtual, but I think Susan has worked that
8 out pretty well. And we'll be flexible and we'll be
9 safe, so I'm confident we'll get it done.

10 So if nothing else, I guess I look forward to
11 seeing you all on Monday, if not Sunday. And again, if
12 something comes up, just holler and we'll address it.

13 MR. ACKEN: Thank you.

14 (The prehearing conference concluded at
15 2:49 p.m.)

16
17
18
19
20
21
22
23
24
25

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 12th day of November, 2020.

17

18

19

20



KATHRYN A. BLACKWELDER
Certified Reporter
Certificate No. 50666

21

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

25

26

27

28



COASH & COASH, INC.
Registered Reporting Firm
Arizona RRF No. R1036

29