

1 BEFORE THE ARIZONA POWER PLANT LS-306

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION) DOCKET NO.
 4 OF 315PC 8ME LLC, IN CONFORMANCE) L-21241A-23-0102-00220
 WITH THE REQUIREMENTS OF ARIZONA)
 5 REVISED STATUTES 40-360 ET.) LS CASE NO. 220
 SEQ., FOR CERTIFICATES OF)
 6 ENVIRONMENTAL COMPATIBILITY)
 AUTHORIZING THE CONSTRUCTION OF)
 7 THE BOOTH HILLS TRANSMISSION)
 PROJECT AND ASSOCIATED)
 8 INTERCONNECTION FACILITIES)
 LOCATED WITHIN MARICOPA COUNTY)
 9 AND PINAL COUNTY, ARIZONA.)
) EVIDENTIARY HEARING

10

11 At: Avondale, Arizona

12 Date: June 6, 2023

13 Filed: June 9, 2023

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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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VOLUME II
(Pages 105 through 208)

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GLENNIE REPORTING SERVICES, LLC
 Court Reporting, Video & Videoconferencing
 1555 East Orangewood Avenue, Phoenix, AZ 85020
 602.266.6535 admin@glennie-reporting.com

23

24

25

By: Jennifer Honn, RPR
Arizona CR No. 50558

GLENNIE REPORTING SERVICES, LLC 602.266.6535
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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee at Hilton Garden Inn, 11460 West Hilton Way,
5 Avondale, Arizona, commencing at 9:03 a.m. on
6 June 6, 2023.

7

8 BEFORE: ADAM STAFFORD, Chairman

9 GABRIELA S. MERCER, Arizona Corporation Commission
10 LEONARD DRAGO, Department of Environmental Quality
11 DAVID FRENCH, Arizona Department of Water Resources
12 R. DAVID KRYDER, Agriculture Interests
13 SCOTT SOMERS, Incorporated Cities and Towns
14 ROMAN FONTES, Counties
15 MARGARET "TOBY" LITTLE, PE, General Public
16 (via videoconference)

17 APPEARANCES:

18 For the Applicant:

19 Jason Moyes, Esq.
20 MOYES SELLERS & HENDRICKS
21 1850 North Central Avenue
22 Suite 1100
23 Phoenix, Arizona 85004

24 Also Present:

25 Claire Phillips, WestLand Resources
Julie Larsen, Paralegal to Mr. Moyes

1 CHMN STAFFORD: Let's go back on the record.
2 This is the continuation of the hearing for line siting
3 case 220.

4 Mr. Moyes, I think we need to finish admitting
5 the exhibits and then I think we're ready to begin voting
6 on the CECs.

7 MR. MOYES: Certainly, Mr. Chairman. Thank you
8 very much. The remaining exhibits that we have not yet
9 admitted but which all of which have been discussed
10 through our testimony over the last day are Exhibits BH-1
11 through 7 and then BH-15.

12 BH-1 through 5 is simply our prefiled
13 testimony -- well, I'm sorry BH-1 is our application that
14 was docketed with the ACC. And then 2 through 5 is
15 prefiled testimony of each of our four witnesses.

16 BH-6 is a copy of our slides that were presented
17 to the Committee.

18 BH-7 are the draft forms of CEC and corridor
19 maps that were provided to the Committee per procedural
20 order.

21 And lastly, BH-15 is a letter required by the
22 statutes and the Procedural Order sent to the ACC
23 business office informing them that the applicant has
24 paid the requisite fee for the application and is willing
25 to pay whatever additional expense it is Committee

1 incurs.

2 CHMN STAFFORD: All right. I'm going to admit
3 1, Exhibit 6, 7, and 15.

4 (Exhibits BH-1, BH-7, BH-7, and BH-15 were
5 marked for identification.)

6 CHMN STAFFORD: Now, 14 you didn't end up
7 offering that one, correct, because we didn't do a tour.

8 MR. MOYES: That's correct.

9 CHMN STAFFORD: Okay. All right. Now, for the
10 witness summaries I'd like you to have your witnesses
11 adopt that testimony formally and then we'll admit the
12 exhibits.

13 MR. MOYES: Okay.

14 CHMN STAFFORD: Thank you.

15 And did you want to make a correction to
16 Exhibit 4?

17 MR. MOYES: You're right, Your Honor -- or
18 Mr. Chairman. I apologize. We will make that correction
19 to the table of contents in Exhibit 4.

20 There was a word processing code that triggered
21 an error in BH-4. How would you like us to handle that,
22 Mr. Chairman? We can --

23 CHMN STAFFORD: I think all the witnesses are
24 still under oath. I think you just ask them about, that
25 this is -- their testimony is prepared by or at their

1 direction, and that they'd adopt it today under oath.

2 That should be sufficient.

3 MR. MOYES: Mr. Moretz, have you had an
4 opportunity to examine the exhibit, what's filed under
5 the label BH-2, described as a witness summary resume and
6 prefiled testimony of yours?

7 MR. MORETZ: I have.

8 MR. MOYES: Is the testimony contained therein
9 correct and do you adopt that as yours under oath?

10 MR. MORETZ: It is, and I do.

11 MR. MOYES: Thank you.

12 Mr. Tan, have you had an opportunity to look at
13 Exhibit BH-3, described as your witness summary resume
14 and prefiled testimony?

15 MR. TAN: Yes.

16 MR. MOYES: Are there any corrections that you
17 need to make to that?

18 MR. TAN: No, not at this time.

19 MR. MOYES: And do you therefore adopt that as
20 your testimony sworn under oath?

21 MR. TAN: Yes.

22 MR. MOYES: And Ms. Hamilton, have you had an
23 opportunity to look at Exhibit BH-4?

24 MS. HAMILTON: Yes, I have.

25 MR. MOYES: BH-4 also is a witness summary

1 resume and prefiled testimony. There is one error
2 pointed out by the Chairman on the table of contents on
3 your testimony. Do you see that under III?

4 I think, Mr. Chairman, we can just strike III
5 from that table of contents. That's the only error that
6 I'm aware of.

7 With that correction, Ms. Hamilton, do you adopt
8 this testimony as yours sworn under oath?

9 MS. HAMILTON: It appears that there is also one
10 more error on page 2 of that under II, which says 345kV
11 generation intertie project. It should be --

12 MR. MOYES: Description of the interties?

13 MS. HAMILTON: Correct.

14 MR. MOYES: With that change and the
15 corresponding change that we can supplement to the
16 record, if you'd like, Mr. Chairman, for the table of
17 contents, do you then adopt that testimony as corrected,
18 Ms. Hamilton, as yours sworn under oath?

19 MS. HAMILTON: Yes.

20 MR. MOYES: Thank you. And lastly,
21 Mr. Lindenlaub, for Exhibit BH-5, are there any changes
22 that you wish to make to your prefiled testimony, witness
23 summary, or resume?

24 MR. LINDENLAUB: No, I don't believe so. Thank
25 you.

1 MR. MOYES: And do you therefore adopt it as
2 your own under oath?

3 MR. LINDENLAUB: I do.

4 MR. MOYES: Thank you. Mr. Chairman, with those
5 changes, we would ask for admission of BH-2, 3, 4, and 5.

6 CHMN STAFFORD: BH-2, 3, 4, and 5 are admitted.

7 (Exhibits BH2-2, 3, 4, 5 were admitted.)

8 MR. MOYES: Thank you.

9 CHMN STAFFORD: By my count that's all your
10 exhibits save 14; correct?

11 MR. MOYES: That's correct.

12 CHMN STAFFORD: All right. Excellent. Any
13 further questions, Members? Are we ready to begin voting
14 on the certificates?

15 All right. You should have exhibits marked as
16 Chair 1 and 2. 1 should be the PDF version of the CEC
17 provided by the applicant, and then Exhibit 2 would be
18 the Word version that we'll work off of.

19 MR. MOYES: Mr. Chairman, would it be
20 appropriate to give a closing statement at this time or
21 prior to your final --

22 CHMN STAFFORD: Oh, yes. Yes. Please, by all
23 means.

24 MR. MOYES: Thank you.

25 Simply put, Mr. Chairman and Members of the

1 Committee, we wish to thank you for your time and
2 attendance at these proceedings over the last two days.

3 We appreciate the comments and the concerns that
4 have been expressed. We hope that we've adequately
5 addressed them to your satisfaction.

6 We believe we've presented a fair and accurate
7 description of the Booth Hills Transmission Project, its
8 physical components, its purpose and need for providing
9 additional renewable energy to customers in Arizona and
10 the southwest. And most importantly its environmental
11 compatibility with the surrounding landscape.

12 Through our prefiled materials and our oral
13 testimony over the last two days we believe we have met
14 all of the conditions required of a CEC as described in
15 Title 40 of the Arizona Revised Statutes.

16 And we therefore respectfully ask this Committee
17 to approve and grant the requested certificates for
18 environmental compatibility for both the Pinyon and
19 Caballero Projects gen-tie projects and their associated
20 facilities.

21 Thank you.

22 CHMN STAFFORD: Thank you, Mr. Moyes.

23 All right. You have this one captioned as
24 CEC-1. I think we should probably do like we did with
25 the Sunzia and caption it CEC-220-A. Is that -- Members?

1 MEMBER KRYDER: Yes.

2 CHMN STAFFORD: Can I get a motion?

3 MEMBER KRYDER: I move that the certificate be
4 recaptioned as you just stated.

5 MEMBER DRAGO: Second.

6 CHMN STAFFORD: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: All right. So this is -- let's
11 review the introduction.

12 MEMBER LITTLE: Mr. Chairman, don't we need to
13 change the Committee Members who were present?

14 CHMN STAFFORD: Yes, it's on the screen on the
15 left. It has Member Fontes on there, and it has -- oh,
16 we need to remove Somers. Can I get a motion for the
17 introduction, then we can start chopping it up.

18 MEMBER LITTLE: Mr. Chairman, I move the
19 introduction.

20 Move approval of the introduction.

21 MEMBER MERCER: Second.

22 CHMN STAFFORD: Thank you, Member Mercer. All
23 right.

24 MR. MOYES: Mr. Chairman, do we similarly want
25 to change descriptions of CEC-1 and 2 to match the

1 caption?

2 CHMN STAFFORD: Yes. We will, let's get the
3 membership right first there. I think Member Somers was
4 unable to attend this one. I guess I should get a motion
5 to make the edit to Member Somers.

6 MEMBER FRENCH: So moved.

7 MEMBER DRAGO: Second.

8 CHMN STAFFORD: Thank you, Members French and
9 Drago. All in favor say "aye."

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, the change is
14 adopted.

15 So let's -- normally we leave the voted blank
16 but we can come back and adjust that later. So, yes, I
17 think it would be CEC -- can I get a motion to change the
18 CEC-1 to CEC-220-A and then the CEC-2 to CEC-220-B?

19 MEMBER KRYDER: Mr. Chairman, I move that the
20 naming of these sections be modified as you just
21 mentioned.

22 MEMBER DRAGO: Second.

23 CHMN STAFFORD: All in favor say "aye."

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, the change is
3 adopted. Can I get the introduction -- are we done
4 making changes to the -- I think that covers it unless
5 Members have other changes they think should be adopted.

6 MEMBER FRENCH: I move the introduction as
7 amended.

8 MEMBER FONTES: Second.

9 MEMBER LITTLE: Second.

10 CHMN STAFFORD: All in favor say "aye."

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No response.)

14 CHMN STAFFORD: Hearing none, the introduction
15 as amended is the adopted.

16 Moving on to project description.

17 MEMBER LITTLE: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Little.

19 MEMBER LITTLE: I have a quick question. Is
20 this CEC -- which one is this? Is this the Pinyon or the
21 Caballero?

22 CHMN STAFFORD: It's both.

23 MR. MOYES: There's actually two proposed forms?

24 CHMN STAFFORD: Yes, there's a CEC-1 which is
25 for --

1 MR. MOYES: 1 is for Pinyon.

2 CHMN STAFFORD: Pinyon. And then 2.

3 MEMBER LITTLE: Okay. That was my question. So
4 A is Pinyon.

5 CHMN STAFFORD: Correct.

6 MEMBER LITTLE: And B is --

7 CHMN STAFFORD: Caballero.

8 MEMBER LITTLE: Okay.

9 CHMN STAFFORD: Do we want to make that more
10 clear in the project description or in the --

11 MEMBER LITTLE: I think that's a good idea.

12 MR. MOYES: It does describe it in that second
13 paragraph, but I understand it's a little confusing when
14 we're throwing out multiple references to CECs in those
15 last two sentences.

16 MEMBER LITTLE: Mr. Chairman, I think that is
17 fine, the description in paragraph 2. But we need to
18 change the CEC-1 to CEC-220-A.

19 CHMN STAFFORD: Yes.

20 MEMBER LITTLE: And 2 to 220 -- Mr. Chairman,
21 can I move that we change all CEC-1 references to
22 CEC-220-A and all CEC-2 references to 220-B?

23 MEMBER FONTES: Second.

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

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No response.)

3 CHMN STAFFORD: Hearing none, change is adopted.

4 Let me finish reviewing the project description

5 here and then we can get a motion to move that and then

6 amend it with other things other than the CEC-1 and

7 CEC-2.

8 MEMBER FRENCH: Mr. Chairman?

9 CHMN STAFFORD: Yes, Member French.

10 MEMBER FRENCH: Can we see Exhibits A and B?

11 CHMN STAFFORD: Are you talking the maps?

12 MEMBER FRENCH: Yes, sir.

13 CHMN STAFFORD: Yes. Yeah. Usually we vote on

14 those last, but we'll clear anything up when we get to

15 it. But you can -- do you want to pull it up, because

16 they're attached at the end of the document.

17 We can -- I'll pull it up so you look at them

18 and then we can -- but we won't vote on them till at the

19 end, okay?

20 MEMBER FRENCH: Okay. Thank you.

21 CHMN STAFFORD: Can you see it now, Member

22 French?

23 MEMBER FRENCH: Yes, thank you.

24 MEMBER LITTLE: Mr. Chairman, I move Section B,

25 the project description.

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: All right. So we need to
3 make -- did you have questions of the map, Member French,
4 before we go back to the screen for the CEC?

5 MEMBER FRENCH: No, I didn't have any questions.
6 I just wanted to verify it.

7 CHMN STAFFORD: Okay. You saw the two, the two
8 maps they have, the A and the B? Oh, we didn't scroll to
9 the second one. I'm only seeing the first one.

10 MR. MOYES: Mr. Chairman, I believe the map
11 that's on the screen is an exhibit from one of the --
12 from within the application. The two that were attached
13 as A and B to the forms of CEC are different.

14 And we will try and get those pulled up for you
15 here. They did not get attached to the Chairman's
16 versions that were sent back to me this morning.

17 CHMN STAFFORD: Okay. Yeah, because I'm looking
18 at your exhibit here that has them both.

19 MR. MOYES: Okay. Give us just a minute to get
20 those up on the AVs.

21 MEMBER LITTLE: Mr. Chairman?

22 CHMN STAFFORD: Yes, Member Little.

23 MEMBER LITTLE: I'm wondering if we need to have
24 both Exhibits A and B attached to both of the CECs,
25 because --

1 CHMN STAFFORD: Well, yes. I mean, if you look
2 at what they have attached to their, in their exhibits
3 that they've prefiled, I think they're in the process of
4 pulling up those two maps.

5 You have -- you can see Exhibit A shows both
6 lines and then B focuses on the Pinyon line. Right. And
7 then for the Caballero project, it's similar but it
8 highlights the Caballero line.

9 MEMBER LITTLE: Figure 1, which they are calling
10 Exhibit A --

11 CHMN STAFFORD: This is the wrong map.

12 MEMBER LITTLE: Yeah.

13 CHMN STAFFORD: This is not the --

14 MEMBER LITTLE: Maybe let's wait till the maps
15 come up and then can discuss it, maybe.

16 MR. MOYES: We're working on that. I apologize.
17 Ms. Larson has it on her computer to the left. If they
18 can switch that over, she has Exhibit A visible. There
19 we go. And we will have B for you shortly.

20 CHMN STAFFORD: Yeah, I'm looking at it and
21 Exhibit A shows both lines and then Exhibit B shows the
22 corridor and only the Pinyon line.

23 MEMBER LITTLE: Right. Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: To me, it would be more clear to

1 say we'll connect the TEP 345.

2 CHMN STAFFORD: Where are you looking, Member
3 Little?

4 MEMBER LITTLE: I'm sorry. Right in the middle
5 of page 3 of the description.

6 CHMN STAFFORD: Starting which line?

7 MEMBER LITTLE: 11.

8 CHMN STAFFORD: Okay.

9 MEMBER LITTLE: Next to the TEP 345 portion of
10 the substation located in the west substation located in
11 the Section A, blah, blah, blah, as shown in, and then
12 have an Exhibit A for this CEC that shows just the Pinyon
13 line.

14 MR. MOYES: Mr. Chairman.

15 CHMN STAFFORD: Yes, Mr. Moyes.

16 MR. MOYES: I think I've resolved the confusion,
17 and I'm not sure what happened if they didn't get
18 attached when I sent them to Todd originally.

19 For each CEC the exhibit A is the same, which
20 was the map we just had shown that shows both lines.

21 The Exhibit B for the two respective CECs has a
22 different map, one highlighting the Pinyon and the other
23 highlighting the Caballero.

24 CHMN STAFFORD: I don't think we've gotten
25 Exhibit B up yet.

1 MR. MOYES: We are, I'm sending that right now.

2 CHMN STAFFORD: I think what you're describing,
3 Member Little, is Exhibit B where it shows the corridor
4 for the entire project but only the line, the Pinyon
5 line.

6 MEMBER LITTLE: That's true. And I think that
7 that should be Exhibit A, and we scratch -- and B, so
8 when people read this, they go from the description to
9 Exhibit A, and it shows only the line that is covered by
10 this CEC.

11 And then the further description which talks
12 about the common corridor then could be this map that's
13 on the screen right now that shows both of them. And
14 that could be Exhibit B.

15 So that you're not looking at one description
16 and two exhibits in each case.

17 Am I making myself clear?

18 CHMN STAFFORD: I think so, Member Little.

19 MR. MOYES: On your screen in front of you on
20 the left you can see what would have been previously
21 submitted as Exhibit B for the Pinyon CEC, which as the
22 Chairman described shows the entire corridor in blue, but
23 then highlights in pink only the Pinyon line.

24 There's a similar map for the Caballero, also
25 showing the entire corridor. But then of course the

1 whole length is highlighted as the Caballero line. We
2 are happy to switch those however you prefer.

3 CHMN STAFFORD: Is that what you're suggesting,
4 Member Little?

5 MEMBER LITTLE: Then -- no. This I think is a
6 good Exhibit B because it shows the whole thing,
7 everything. And that is referenced in the paragraph, the
8 little short paragraph starting on page 16, or I'm sorry,
9 line 16 of page 3.

10 But then Exhibit A should be just the Pinyon
11 line. Correct?

12 CHMN STAFFORD: So you're suggesting we switch A
13 and B?

14 MEMBER LITTLE: No. This can be B, the one
15 that's shown on the screen, because that paragraph
16 starting on line 16 says, "Starting two-tenths of a mile
17 east of the Pinyon Substation, the two gen-ties share a
18 common 200-foot wide transmission corridor eastward until
19 the Pinal West substation as shown in Exhibit B."
20 Because that shows everything. Right?

21 CHMN STAFFORD: Well, no, it's -- the first one
22 shows both lines. So that's where it shows the common
23 corridor, because you have it -- you can see where both
24 lines are present on that map.

25 MEMBER LITTLE: Well, you know, it doesn't

1 matter to me. I just think when we're talking about just
2 the line that is covered by the CEC, that should be
3 Exhibit A. The one that shows the common corridor with
4 both lines in it should be Exhibit B. That's my point.

5 CHMN STAFFORD: I'm confused, Member Little.
6 Because Exhibit -- this current Exhibit B just shows the
7 Pinyon line. It has the entire corridor but only the
8 Pinyon line. And Exhibit A has the entire corridor and
9 both lines.

10 MEMBER LITTLE: I think they should be switched
11 because the description -- the verbal description in the
12 CEC talks about just the Pinyon line first. Then it
13 talks about the common corridor.

14 Paragraph beginning on line 9 talks about just
15 the Pinyon line. That should be Exhibit A. The
16 paragraph beginning on line 16 talks about the common
17 corridor. That should be Exhibit B.

18 CHMN STAFFORD: All right. So what they have
19 marked as Exhibit A should be Exhibit B and what they
20 have marked as Exhibit B should be marked as Exhibit A?

21 MEMBER LITTLE: Correct.

22 CHMN STAFFORD: Okay.

23 MEMBER LITTLE: And I think that then the bold
24 Exhibit A and B in both those paragraphs, the first one
25 should just say A, and the second one should just say B.

1 So that "and B" would be removed from the first
2 paragraph there. That's just my opinion. I don't know
3 how anybody else feels about it.

4 MR. MOYES: Mr. Chairman, Members of the
5 Committee, the purpose of what we originally submitted as
6 Exhibit A, the larger map that has the blowup window was
7 to show relative to a broader area in the state where
8 it's located.

9 MEMBER LITTLE: Ah.

10 MR. MOYES: And then it also has those section
11 numbers shown on the map which are described in that
12 first paragraph that Member Little is talking about.

13 MEMBER LITTLE: That makes sense. That makes
14 sense.

15 MR. MOYES: And then the second, the B, for each
16 respective CEC narrowed in on the actual line relevant to
17 that CEC.

18 MEMBER LITTLE: Okay. Okay. I withdraw
19 everything I said.

20 CHMN STAFFORD: All right. Thank you, Member
21 Little. All right. What other changes need to be made
22 to the description section? Have you made the -- I can't
23 see if it's on there. Okay. I think we're leaving that
24 as it is.

25 MEMBER LITTLE: Yes.

1 CHMN STAFFORD: Whoever's editing.

2 MR. MOYES: Okay.

3 CHMN STAFFORD: Do not strike that.

4 MR. MOYES: Reference both A and B in both
5 places?

6 CHMN STAFFORD: Yes. Can I get --

7 MEMBER LITTLE: Yeah. My apology for the
8 confusion.

9 CHMN STAFFORD: No problem. Can I get a motion
10 to adopt the project description as amended?

11 MEMBER KRYDER: Mr. Chairman. I --
12 Mr. Chairman, I move that the project description as
13 amended be approved.

14 MEMBER DRAGO: Second.

15 CHMN STAFFORD: Further discussion?

16 (No response.)

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, the project
22 description Section B is adopted.

23 Moving on to Section C, Conditions.

24 MEMBER LITTLE: Move Condition 1.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, Condition 1 is
6 adopted.

7 Now, as we go through we're working off
8 Chairman's 1, so the CEC references at the end are
9 already stricken so we don't need to readopt those.

10 MEMBER KRYDER: I'm sorry. I didn't understand.
11 I didn't understand what you just said.

12 CHMN STAFFORD: Okay, see, look on the right.
13 That is Chairman's Exhibit 1. That's the starting point.
14 And it's already had, when the applicant files it, they
15 reference the last CEC with a condition.

16 MEMBER KRYDER: Uh-huh.

17 CHMN STAFFORD: And so we don't include that in
18 the final CEC. That's just for our edification during
19 this process.

20 So that's already stricken out from the first --

21 MEMBER KRYDER: Okay.

22 CHMN STAFFORD: -- or working point so it won't
23 be included, so we don't need to move and make that
24 change every time.

25 Because on the right screen is Chairman's

1 Exhibit 1, that's the draft CEC. And then on the left is
2 the Word version that we end up. We have to revote.

3 MEMBER KRYDER: I move, I approve -- I move
4 these be approved, Mr. Chairman.

5 CHMN STAFFORD: Condition 2?

6 MEMBER KRYDER: Yes.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Section 2 is
13 adopted.

14 Moving on to Section 3.

15 MEMBER KRYDER: Mr. Chairman, I move that
16 Condition 3 be approved as written.

17 MEMBER FRENCH: Second.

18 CHMN STAFFORD: Further discussion?

19 (No response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, Condition 3 is
25 adopted.

1 Moving on to Condition 4.

2 MEMBER KRYDER: Mr. Chairman, I simply ask that
3 Condition 4, since it's only one sentence, be read into
4 the record. I'd like to refer to it later.

5 CHMN STAFFORD: All right. Condition 4 states:
6 "Applicant shall obtain all approvals and permits
7 necessary to construct, operate and maintain the project
8 required by any government entity having jurisdiction,
9 including but not limiting to the United States of
10 America, the State of Arizona, Maricopa County, Pinal
11 County, and their agencies and subdivisions."

12 MEMBER KRYDER: Thank you very much.

13 CHMN STAFFORD: Has it been moved?

14 MEMBER KRYDER: I move that it be approved as
15 read and written.

16 MEMBER MERCER: Second.

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 4 is
22 adopted.

23 Moving on to Condition 5.

24 MEMBER MERCER: I move Condition 5.

25 MEMBER DRAGO: Second.

1 MEMBER LITTLE: Second.

2 CHMN STAFFORD: All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 5 is

7 adopted.

8 Condition 6.

9 MEMBER FONTES: I move that Condition 6 be
10 approved.

11 MEMBER KRYDER: Second.

12 CHMN STAFFORD: All in favor say "aye."

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 6 is

17 adopted.

18 Condition 7.

19 MEMBER KRYDER: Mr. Chairman.

20 CHMN STAFFORD: Yes, Member Kryder.

21 MEMBER KRYDER: Beginning in line 18, I'd like
22 to read the statement. "If any archaeological
23 paleontological or historical sites of, or a significant
24 cultural object is discovered on state, county or
25 municipal land during the construction or operation of

1 the project, applicant or its representative in charge
2 shall promptly report the discovery to the director of
3 the Arizona State Museum, ASM, and in consultation with
4 the director shall immediately take all reasonable steps
5 to secure, maintain the preservation of the discovery as
6 required by ARS 41-844 as written."

7 So my concern, Mr. Chairman, is that in line 19,
8 it specifies that this will be reported to state, county
9 and municipal land, but up in Condition 4, we read that
10 the United States of America or BLM land somehow is not
11 addressed here.

12 And I'm wondering if I could get an explanation
13 as to why or if we need to put that in.

14 CHMN STAFFORD: Mr. Moyes, would you care to
15 respond to that?

16 MR. MOYES: I'll defer to our environmental
17 experts, but I believe the state office is the one in
18 charge when such artifacts are discovered to report to.

19 MR. LINDENLAUB: That is correct. I'd like to
20 also note that as indicated in the testimony yesterday,
21 the applicant with the Bureau of Land Management will be
22 entering into consultation with the state historic
23 preservation officer under Section 106 of the National
24 Historic Preservation Act, and the requirements coming
25 out of that consultation will look very similar to this.

1 And so I guess I would just want to be sure that
2 Condition No. 7 wouldn't necessarily conflict with what
3 comes out of the BLM's consultation. I don't know that
4 it will. I don't see that it will, but just wanted to
5 apprise the Committee of that.

6 MEMBER KRYDER: Would not be so much my concern
7 about conflict as, as I read it, in my ignorance BLM
8 doesn't get notified except through this left-handed
9 process through the State.

10 And that doesn't seem -- it seems like easy
11 to -- I'm sorry. It seems like it could easily be
12 remedied by inserting something about the federal
13 government or using the language up in Condition 4.

14 Again, please correct me. This is not my area
15 expertise, but it jumped off the page for me.

16 MEMBER LITTLE: Mr. Chairman?

17 CHMN STAFFORD: Yes, Member Little.

18 MEMBER LITTLE: I think Member Kryder's point is
19 well taken. But the sentence talks about this being
20 discovered on state, county or municipal land. But if
21 it's discovered on federal land, it doesn't have to be
22 reported to the state museum?

23 MEMBER KRYDER: That's the very point. Thank
24 you.

25 MR. LINDENLAUB: I would want to consult with

1 our archaeological experts on the exact nature of that
2 question.

3 But as Ms. Hamilton testified yesterday, the BLM
4 is asserting federal authority over the entirety of the
5 project, and therefore the BLM will necessarily be
6 notified of any inadvertent discoveries as described in
7 Condition 7.

8 CHMN STAFFORD: BLM is also requiring a Class 3
9 survey of the remainder of the project, aren't they?

10 MR. LINDENLAUB: That's correct.

11 MEMBER LITTLE: It just seems to me that we
12 could put in there that if it's discovered on federal,
13 state, county, or municipal land.

14 You could still let the state museum know. And
15 I think this is language that's been in here a long time
16 is my point.

17 CHMN STAFFORD: Yes, I think I'll look to the
18 applicant to clear up any discrepancies, but my
19 understanding was that these statutes apply to state land
20 and then the federal government has their own regime of
21 reporting, which also include talking to the state
22 historic preservation office. Is that understanding
23 correct?

24 MEMBER FONTES: Mr. Chairman, not to further
25 complicate, but what if there's discovery on private

1 land?

2 CHMN STAFFORD: Well, I think the -- I think the
3 laws apply differently whether it's on public or private
4 land for consultation with SHPO, and I think that -- but
5 if you encounter funerary obviously it doesn't where it
6 is, it doesn't matter whether it's public or private
7 land.

8 MR. LINDENLAUB: That's correct.

9 MR. MOYES: Mr. Chairman, to accommodate Member
10 Little's and Member Kryder's request, we would be happy
11 to insert in line 19 discovered on federal, comma, state,
12 county or municipal.

13 And then again after, on line 21, report the
14 discovery to the director of the Arizona State Museum,
15 ASM, and any requisite federal agency.

16 MEMBER KRYDER: Thank you very much. That would
17 certainly satisfy me.

18 MS. HAMILTON: One thing I'd like to note, and
19 this is something I'm currently reviewing as well, but we
20 have a memorandum of understanding with the BLM that we
21 have executed, and it is very explicit that the BLM is
22 solely responsible for consultation under Section 106 of
23 the National Historic Preservation Act.

24 So we want to be careful not to overstep what
25 our -- what we are allowed to do and what the BLM's

1 archaeologist is responsible for.

2 So obviously anything that is discovered would
3 absolutely be immediately reported. If it is unknown,
4 however, that would be reported to the BLM and they would
5 be the one that would be making the decision and
6 consulting with the State.

7 MEMBER KRYDER: And you're in reference now to
8 paragraph 7. So arguably it would be reported to them
9 and they'd hop all over it.

10 MS. HAMILTON: Absolutely. Yes.

11 MEMBER KRYDER: Yeah, and we understand that.
12 But the words don't say that.

13 MS. HAMILTON: Correct. And so I was just
14 validating that, you know, the way that it was stated
15 with applicant will -- or it says applicant or its
16 representative in charge shall promptly report the
17 discovery to the director of the ASM.

18 But really, it should be that the applicant will
19 immediately report to the Bureau of Land Management who
20 will then consult with --

21 MEMBER KRYDER: We are in agreement that there
22 is confusion.

23 MS. HAMILTON: Yes.

24 MEMBER LITTLE: Mr. Chairman.

25 CHMN STAFFORD: Yes, Member Little.

1 MEMBER LITTLE: Perhaps as I said before, this
2 condition is one that has been in the -- in every CEC.
3 It just keeps being repeated exactly the way it is.

4 Maybe because BLM has jurisdiction over this
5 entire line, maybe this whole paragraph needs to be
6 rewritten to be consistent with the agreement that they
7 have for this CEC.

8 MEMBER KRYDER: At minimum, it sounds like some
9 research needs to be done to get this clarified before
10 proceeding with it.

11 MR. MOYES: Member Little is correct that this
12 exact language has been repeated countless times,
13 certainly with projects that included BLM lands as well.

14 That may be an oversight that's simply been
15 repeated. There may be a reason for that. I'm not sure.
16 But we are happy, as I said, to include language in there
17 that federal jurisdictions, federal agencies will be
18 reported to as necessary, so that we're covering that
19 basis. Both the state and the feds will be informed
20 according to that paragraph.

21 MEMBER KRYDER: Okay. Thank you very much,
22 Mr. Moyes. If, in fact, we take that branch down the
23 road, then we would be establishing something that's
24 going to be copied and pasted arguably, at least, onto
25 all the rest for perpetuity.

1 So that's scary to me without doing the
2 additional research requisite to clarify has this been
3 somewhat just cut and pasted in the past.

4 You know, one of the dangers of getting a new
5 Member on the board is you ask different questions. And
6 each of us comes with a different background. I read
7 contracts for a living.

8 So I don't know what to do, Mr. Chairman, but
9 just putting in -- I retract that I said it was
10 satisfactory. I think more research needs to be done to
11 make sure we don't paint another line on the giraffe to
12 change metaphors and simply say this is what giraffes
13 look like.

14 MEMBER FONTES: Mr. Chairman, I have an
15 observation and partial suggestion on this issue.

16 CHMN STAFFORD: Yes, Member Fontes.

17 MEMBER FONTES: Ms. Hamilton mentioned an MOU
18 with BLM that addresses the nature of the language of
19 concern of my fellow Member here.

20 Perhaps Mr. Moyes can review that against this
21 paragraph and offer a suggested --

22 CHMN STAFFORD: All right.

23 MEMBER FONTES: -- improvement to this
24 paragraph.

25 CHMN STAFFORD: Yeah, I think that maybe we need

1 to add a paragraph, because I think the purpose of this
2 paragraph is to address archaeological and historical
3 sites on state lands.

4 I think since this project is almost entirely on
5 federal lands, I think maybe it's appropriate to add
6 another paragraph about compliance with BLM's guidance.

7 Because that's the national aspect, historic
8 preservation applies to federal land as opposed to the
9 state act which applies in the state land.

10 MEMBER FONTES: Yes, sir. I think that MOU
11 probably has some suggested references that we can
12 incorporate in that paragraph to expedite resolution on
13 this outstanding issue. So I offer that.

14 CHMN STAFFORD: Thank you.

15 MR. LINDENLAUB: Mr. Chairman, if I could.

16 CHMN STAFFORD: Yes, Mr. Lindenlaub.

17 MR. LINDENLAUB: I think my concern with leaving
18 paragraph 7 as is, Member Fontes' suggestion I think is a
19 good one, of reviewing the MOU and tweaking the language
20 appropriately.

21 Because I guess I would simply be concerned that
22 paragraph 7 as written gives the authority to the
23 director of the ASM to direct the BLM archaeologist and
24 not vice versa. And so the MOU may speak to that very
25 thing.

1 MEMBER FONTES: Yes, sir. That's where I was
2 going with it. And then you got a reference document to
3 look at it in light of where you're at and the overall
4 process, and that you haven't finished NEPA, but I think
5 it'll address it.

6 MEMBER LITTLE: Mr. Chairman.

7 CHMN STAFFORD: Yes, Member Little.

8 MEMBER LITTLE: May I suggest that we skip this
9 condition for now and maybe at a break have everybody put
10 their heads together there and do what research is
11 necessary to make that one.

12 CHMN STAFFORD: All right. So you're suggesting
13 we skip over Condition 7 for now and then come back to it
14 after the -- take a break and let the applicant try to
15 come up with some language to address this process on
16 federal land?

17 MEMBER LITTLE: Yes.

18 CHMN STAFFORD: I think that's a good
19 suggestion. I think I would definitely prefer to see a
20 separate paragraph addressing federal land as opposed to
21 lumping it in with the standard language, state land
22 language.

23 Does that sound acceptable to Members?

24 (A chorus of "ayes.")

25 CHMN STAFFORD: All right. So shall we move on

1 to Condition 8?

2 MEMBER LITTLE: Mr. Chairman, I move
3 Condition 8.

4 MEMBER FONTES: Second.

5 CHMN STAFFORD: All in favor say "aye."

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, Condition 8 is
10 adopted.

11 Condition 9.

12 MEMBER KRYDER: Mr. Chairman, I move Condition 9
13 be accepted as written.

14 MEMBER DRAGO: Second.

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 9 is
20 adopted.

21 Moving on to Condition 10.

22 MEMBER KRYDER: Mr. Chairman, again, I'm
23 confused about this. Looking at line 16 and just picking
24 up there "required by ARS 41-865 for private land, or as
25 required by ARS 41-844 for county, state and municipal

1 lands," again doesn't address any of the federal land.

2 CHMN STAFFORD: Yes, because I believe they're
3 covered under the federal statutes as opposed to state
4 statutes. Mr. Moyes?

5 MR. MOYES: That's correct. I will again defer
6 to my environmental experts for their confirmation.

7 MR. LINDENLAUB: That is correct.

8 MEMBER KRYDER: Tell me what you just said.

9 MR. LINDENLAUB: Certainly. On federal lands,
10 federal law as I understand it supercedes the
11 requirements of the statute.

12 MEMBER KRYDER: Arguably.

13 MR. LINDENLAUB: Fair enough.

14 MEMBER KRYDER: And therefore?

15 MEMBER LITTLE: Shouldn't --

16 CHMN STAFFORD: Member Little.

17 MEMBER LITTLE: Shouldn't that be a part of this
18 condition, then? I don't know, I guess it depends on,
19 this talks about human remains. Number 7 talks about --

20 MEMBER KRYDER: Other stuff.

21 MEMBER LITTLE: Right. And they should all be
22 consistent, I would think.

23 CHMN STAFFORD: Right. And the two conditions
24 that we have address those issues under state law.

25 MEMBER LITTLE: Right. Mr. Chairman, I move

1 that we postpone discussion on Condition 10 until after
2 the break so that it can be discussed --

3 MEMBER FONTES: Second.

4 MEMBER LITTLE: -- consistent with number 7.

5 CHMN STAFFORD: All right. I don't know if we
6 need to call a formal vote on postponing each individual
7 thing. I think we can just agree to do that and come
8 back to it.

9 All right. So we're holding, so far we're
10 holding 7 and 10.

11 All right. Shall we move on? Did you have more
12 questions about this, Member Kryder?

13 MEMBER KRYDER: No, sir. That would be great.

14 CHMN STAFFORD: All right. So moving on to
15 Condition 11.

16 MEMBER KRYDER: Mr. Chairman, I move
17 Condition 11 be accepted as written.

18 MEMBER LITTLE: Second.

19 CHMN STAFFORD: All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No response.)

23 CHMN STAFFORD: Hearing none, Condition 11 is
24 adopted.

25 Moving on to Condition 12.

1 MEMBER KRYDER: Mr. Chairman, I move

2 Condition 12 be approved as written.

3 MEMBER MERCER: Second.

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 12 is

9 adopted.

10 Number 13.

11 MEMBER FRENCH: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member French.

13 MEMBER FRENCH: Can we have the AV team pull the

14 application back up for me?

15 CHMN STAFFORD: Which page?

16 MEMBER FRENCH: I can't see any of the

17 conditions anymore.

18 CHMN STAFFORD: Oh, you mean you need to have

19 the CEC blown up so you can see it?

20 MEMBER FRENCH: Correct.

21 CHMN STAFFORD: Okay.

22 MEMBER FRENCH: Thank you very much.

23 MEMBER KRYDER: Ready to move on?

24 CHMN STAFFORD: I believe we're on number 13.

25 MEMBER KRYDER: Mr. Chairman, I move Condition

1 No. 13 be approved as written.

2 MEMBER LITTLE: Second.

3 CHMN STAFFORD: All in favor say "aye."

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 13 is
8 adopted.

9 Condition 14.

10 MEMBER KRYDER: Mr. Chairman, I move that
11 Condition 14 be accepted as written.

12 MEMBER FONTES: Second.

13 CHMN STAFFORD: All in favor say "aye."

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 14 is
18 adopted.

19 Moving on to 15.

20 MEMBER KRYDER: Mr. Chairman, yesterday
21 afternoon, the call-in member of the public spoke about
22 concerns about an airport, and we spoke with them about
23 proximity, I know it's not to the lines which is our
24 purview, but I was just wondering is there anything that
25 we need to look at or address?

1 It speaks about FAA having a hand in this.
2 Anybody have any -- this is way out of my area of
3 expertise.

4 MS. HAMILTON: If I may, we have already filed
5 to see if we needed to do a further evaluation with the
6 FAA, and we came back with a review that we did not.

7 We have also filed with the Department of
8 Defense for informal review request, and so that is
9 currently in process.

10 And so anything that comes back from either
11 agency, we absolutely will address and we will also, you
12 know, take into consideration the landowners' concerns
13 and we obviously don't want our equipment to interfere
14 with them. And we don't them to interfere with our
15 equipment.

16 So the project will absolutely be designed
17 accordingly. But we have already submitted that to the
18 FAA.

19 CHMN STAFFORD: All right. Now, is that for the
20 solar array or for the line or both?

21 MS. HAMILTON: It's for both. So for the entire
22 project.

23 MEMBER KRYDER: Great.

24 MEMBER LITTLE: Mr. Chairman.

25 CHMN STAFFORD: Yes, Member Little.

1 MEMBER LITTLE: May I ask the applicant, I was a
2 little concerned last night when we heard from that
3 person those people that have --

4 CHMN STAFFORD: You're breaking up, Member
5 Little. Could you please repeat that?

6 MEMBER LITTLE: I'm sorry.

7 CHMN STAFFORD: Can you start over? You broke
8 up. We couldn't understand what you said.

9 MEMBER LITTLE: I had some concerns about
10 hearing the comment last night, the public comment
11 period, that nobody from the applicant had gotten back in
12 touch with those folks, and I am wondering whether that
13 has been rectified.

14 MR. MOYES: If I may speak to that, Mr. Chairman
15 and Member Little. The member of the public in question
16 after reviewing the sign-in sheets and the correspondence
17 did, in fact, e-mail the company prior to the open house.
18 That e-mail was responded to.

19 He then appeared in person at the open house and
20 spoke again with the real estate expert that we
21 referenced last night at length, I was part of that
22 discussion as well and talked about his concerns
23 regarding the flight patterns, the panels and his
24 runways.

25 Our real estate expert may or may not have

1 thought he had satisfied his questions at that point, but
2 we have since informed him to follow up once again with
3 that member of the public.

4 If he was expecting something more from us, we
5 certainly want to give that to him. It may simply have
6 been a misunderstanding that his question had been
7 satisfied. But we are in the process of following up
8 with him additionally.

9 MEMBER LITTLE: Thank you.

10 MEMBER KRYDER: Great. Good job. Thank you.
11 Mr. Chairman?

12 CHMN STAFFORD: Yes.

13 MEMBER KRYDER: I move that Condition 15 be
14 approved as written.

15 MEMBER LITTLE: Second.

16 CHMN STAFFORD: All in favor say "aye."

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Condition 15 is
21 adopted.

22 Moving on to 16.

23 MEMBER LITTLE: Mr. Chairman, I move
24 Condition 16.

25 MEMBER FRENCH: Second.

1 CHMN STAFFORD: All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, Condition 16 is
6 adopted.

7 Number 17.

8 MEMBER LITTLE: Mr. Chairman?

9 CHMN STAFFORD: Yes, Member Little.

10 MEMBER LITTLE: I have a question of the
11 applicant with regard to this condition.

12 CHMN STAFFORD: Which condition?

13 MEMBER LITTLE: Condition 16. The state and
14 regional transmission study forums. I approved the
15 condition.

16 I just am wondering if the applicant is aware of
17 what that means, which state and regional transmission
18 study forums are being referenced here.

19 CHMN STAFFORD: Mr. Moyes?

20 MR. MOYES: Normally that would include the
21 Corporation Commission's biannual assessment transmission
22 assessment plans. That's what that would be referring
23 to.

24 MEMBER LITTLE: I think it also should include
25 southwest area transmission, SWAT projects. We need to

1 know what projects are being built.

2 MEMBER FONTES: I would add, Member Little, the
3 Western Electric Coordination Council, if applicable, in
4 the future.

5 CHMN STAFFORD: That's my understanding of what
6 this means, because it says state and regional. The
7 Commission is just state, and then you have WECC and
8 SWAT, which are more regional, especially the WECC.

9 MEMBER FONTES: I believe she was educating the
10 applicant, Mr. Chairman, so I was just adding that in
11 there for clarification.

12 CHMN STAFFORD: Okay.

13 MEMBER LITTLE: Also West Connect.

14 CHMN STAFFORD: So do the Members think we need
15 to amend the language or we just needed to make sure the
16 applicant understood what the language means?

17 MEMBER LITTLE: Good question. I guess the
18 condition is pretty clear. You know, it's up to the
19 applicant to abide by it. And as like a fellow Member
20 mentioned, I was just educating them as to what that
21 means.

22 CHMN STAFFORD: All right. So we're good with
23 keeping 16 as it is, then. We've already adopted it so
24 we can always reopen and change if we needed to.

25 All right. Moving on to Condition 17.

1 MEMBER FRENCH: Move Condition 17.

2 MEMBER KRYDER: I would second.

3 CHMN STAFFORD: All in favor say "aye."

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Hearing none, Condition 17 is
8 adopted.

9 Moving on to 18. This is what we had in the
10 last case, where they had a significantly larger corridor
11 and flexibility to work within.

12 MEMBER MERCER: Mr. Chairman, I move
13 Condition 18.

14 MEMBER LITTLE: Second.

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 18 is
20 adopted.

21 Moving on to 19.

22 MEMBER KRYDER: Mr. Chairman.

23 CHMN STAFFORD: Yes, Member Kryder.

24 MEMBER KRYDER: As I read through this, again,
25 I'm the newbie here. But what I read is that a report --

1 I'm putting it now in street language rather than in the
2 legalese that we're reading here.

3 But that the applicant will annually report what
4 has been completed of the conditions and so on. And it
5 seems to me from an administrative point of view that
6 while that is really important, looking at any project
7 what we've done, boom, we've got these done.

8 What this does not address is what we still have
9 to do. And, further, what we still have to do is the
10 really big thing in any project because we don't look
11 backwards, we look forward to getting at all of the
12 things that we haven't yet done.

13 So I would like to see language in this that
14 would address, going down in line 26 there, I've got some
15 tentative language but I'm sure other people are better
16 wordsmiths than I.

17 But something that would reflect lines 24, 5 and
18 6. The first part of 6 says this is what we've done. I
19 would like to see language added that says, "and these
20 are the conditions that we have not completed and this is
21 what we're doing about it."

22 Could somebody help me with this?

23 CHMN STAFFORD: Yes, I believe Mr. Moyes has an
24 answer to that, because my understanding is that's
25 exactly what they do when they make these filings.

1 Mr. Moyes.

2 MR. MOYES: You're correct, Mr. Chairman. And
3 Member Kryder having many years of experience in filing
4 these compliance letters for multiple projects, those
5 letters require you each year to list by number each
6 condition for your CEC for that project and state whether
7 it's been met, or it is yet to be met because
8 construction has not completed.

9 The nature of these projects is such is that
10 sometimes they don't get constructed for many years.
11 That's why we ask for a ten-year window for the CEC to be
12 valid.

13 During that time the developers may make a
14 number of business decisions with regards to the project.
15 And it may be transferred to other parties, sold,
16 changed.

17 So a lot of these conditions require significant
18 investment and environmental work and ground site prep.
19 And they obviously won't take those steps until they're
20 actually going to construct the project.

21 The projects won't ever be constructed unless
22 there's someone who's going to pay for the project and
23 pay for offtaking the power.

24 And so in each of those annual compliance
25 letters, if that stage of the project has not been met,

1 we simply report that to the Commission that we will --
2 it's still a required condition. It has not yet been met
3 because construction had not commenced on the project.

4 MEMBER KRYDER: So the language that you use is
5 something like that last clause you just had?

6 MR. MOYES: Correct.

7 MEMBER KRYDER: And you don't say -- you don't
8 include in that "and therefore given x, we're going to do
9 y and zed."

10 MR. MOYES: Well, what we're supposed to is
11 obviously list it in the condition itself. And so we
12 reference the condition and state that, you know, it's
13 presumed you're going to still have to meet that
14 condition before you construct.

15 That's the very nature of the CEC permit. You
16 cannot construct and do a project until all of these
17 projects have been met.

18 MEMBER LITTLE: Mr. Chairman.

19 MR. MOYES: And you won't.

20 CHMN STAFFORD: Yes, Member Little.

21 MEMBER LITTLE: I'm sorry I didn't mean to
22 interrupt you, Mr. Moyes.

23 MR. MOYES: No, you're fine.

24 MEMBER LITTLE: Spoken as a former employee of
25 the Corporation Commission, I can say that the people

1 that evaluate those compliance letters are accustomed to
2 the format and the way that the compliance letters are
3 written in response to -- to this condition. And it's my
4 opinion that this condition is sufficient.

5 CHMN STAFFORD: I think the concern that you
6 had, Member Kryder, was that I think it's addressed
7 because it says the progress made with respect to each
8 condition.

9 So every letter lists all the conditions and
10 says where they are in the process of either achieving
11 them or they have yet to achieve them.

12 MEMBER KRYDER: Okay. Thank you very much for
13 the clarification. It's always good to serve with people
14 who have experience. Thank you very much.

15 MEMBER FONTES: Mr. Chairman, I do have an
16 observation, though.

17 CHMN STAFFORD: Yes.

18 MEMBER FONTES: It was represented yesterday
19 this we're going to go to NTP, notice to proceed on
20 construction on Pinyon in Q3 of 2024.

21 Mr. Moyes just noted that its conditions up
22 through construction readiness. And presumably the BLM's
23 going to issue a program operating directive after they
24 get through NEPA and some other things.

25 I would suggest that the counties of Arizona

1 would benefit from knowing in advance of September 1,
2 2024, and maybe starting now a little bit early to
3 include the preconstruction period.

4 So adjust the date is what I'm looking at here.

5 CHMN STAFFORD: Oh, for the compliance letter,
6 yeah, on page 9, line 1.

7 MEMBER FONTES: Start a little early, maybe a
8 quarter early or something, just to sync with your NTP on
9 your construction.

10 MR. MOYES: The main reason that the September 1
11 date was chosen was to accommodate what typically happens
12 after this Committee approves the permit, assuming you
13 voted in favor of it today, then it has to go before the
14 full Corporation Commission for their final stamp of
15 approval.

16 It typically, in recent years, has taken two
17 months to get on the open meeting calendar for the
18 Commission.

19 And so that was to provide that window of time,
20 a two-month period, and then the following month we would
21 have submitted a compliance letter once we G&T an
22 official decision approving the CEC by the Commission.

23 MEMBER FONTES: But how does it line up --

24 MR. MOYES: A year from that date, from when
25 that approval would be. If you would prefer that we move

1 that sooner to accommodate potential construction in Q4
2 of next year, we're happy to accommodate.

3 MEMBER FONTES: I'm going to look at Member
4 Little, who has got the experience on the -- I would
5 think we would want to review something prior to the
6 notice to proceed on construction on a compliance letter,
7 Member Little, but you have the experience, so I'll defer
8 to you on that date.

9 MEMBER LITTLE: Mr. Chairman, if I may.

10 CHMN STAFFORD: Yes, Member Little.

11 MEMBER LITTLE: Mr. Moyes is correct that in
12 that generally it's been the first compliance letter is
13 due the first -- is a year after the CEC is issued.

14 However, I think that in this case, I think that
15 Member Fontes' point is very well taken, and I think that
16 it would be good to make it earlier than that, since
17 they're talking construction around that same time.

18 I think that it would be good for the counties
19 and the people around there to know ahead of time, maybe
20 six months before that.

21 MEMBER FONTES: I was going to suggest 60 days,
22 but you know the processing time better than I, Member
23 Little, so defer to you on that for analysis.

24 MEMBER LITTLE: As far as the Commission's
25 evaluation of the compliance letter, considering staffing

1 in recent years, they don't get evaluated right away.

2 However, I think we're talking here about
3 letting the local people know what's going on also and
4 so --

5 MEMBER FONTES: Would 90 days be, in advance of
6 that September 1, so a quarter out be reasonable? I am
7 trying to put myself in the shoes of the developer, too,
8 because you're going to be threading the needle with BLM
9 and a lot of stuff. And just trying to be reasonable
10 here. So 90 days before that would be my recommendation.

11 MEMBER LITTLE: I agree.

12 CHMN STAFFORD: So you're suggesting June 1 of
13 2024?

14 MEMBER FONTES: Yes, sir.

15 CHMN STAFFORD: Okay. Mr. Moyes, do you have a
16 response to that? Is that acceptable to --

17 MR. MOYES: That's acceptable to us.

18 CHMN STAFFORD: Have we moved Condition 19 yet?

19 MEMBER FRENCH: No.

20 CHMN STAFFORD: Can I get a motion to adopt 19
21 and then we can amend it and move it as amended.

22 MEMBER LITTLE: I move Condition 19.

23 MEMBER FONTES: I second.

24 CHMN STAFFORD: Can I get a motion to change the
25 September on line 1 of page 9 to June?

1 MEMBER MERCER: So move.

2 MEMBER FRENCH: So moved.

3 MEMBER MERCER: Second.

4 CHMN STAFFORD: All in favor say "aye."
5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?
7 (No response.)

8 CHMN STAFFORD: Hearing none, the condition is
9 amended. Can I get a motion to adopt the motion as
10 amended?

11 MEMBER LITTLE: So moved.

12 MEMBER FONTES: Second.

13 MEMBER FRENCH: Second.

14 CHMN STAFFORD: All in favor say "aye."
15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?
17 (No response.)

18 CHMN STAFFORD: Hearing none, Condition 19 is
19 adopted.

20 Moving on to Condition 20.

21 MEMBER LITTLE: I move Condition 20.

22 MEMBER FONTES: Second.

23 CHMN STAFFORD: All in favor say "aye."
24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Condition 20 is
3 adopted.

4 21.

5 MEMBER MERCER: Mr. Chairman, I move
6 Condition 21.

7 MEMBER KRYDER: Second.

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 MEMBER FONTES: Mr. Chairman, I have an
13 observation on 21. That, for the applicant's perspective
14 means you have to notify in the event of a transfer.
15 Because you noted that you're going to put it in one NC,
16 when you get through project finance another.

17 I would just point out to you need to notify as
18 you transfer in finance.

19 MR. MORETZ: Understood. Thank you.

20 CHMN STAFFORD: So would you like to amend this
21 condition, then?

22 MEMBER FONTES: No, just a point of education,
23 Mr. Chairman. Just from the financier perspective of my
24 background to underscore that, that that's important to
25 the counties of Arizona.

1 CHMN STAFFORD: All right. We've got
2 Condition 21 has been moved and seconded. Has it been
3 seconded?

4 MEMBER KRYDER: Yes.

5 MEMBER MERCER: Yes.

6 CHMN STAFFORD: All right. All in favor say
7 "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Condition 21 is
12 adopted.

13 Moving on to Condition 22.

14 MEMBER KRYDER: Mr. Chairman, I move -- oh, go
15 ahead. Go ahead.

16 MEMBER LITTLE: I move Condition 22.

17 MEMBER KRYDER: I will second the Member's
18 approval.

19 CHMN STAFFORD: All right. So moved by Little
20 seconded by --

21 MEMBER KRYDER: Kryder.

22 CHMN STAFFORD: Kryder. All in favor say "aye."
23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 22 is
2 adopted.

3 Moving on to Condition 23.

4 MEMBER KRYDER: Mr. Chairman, I move approval of
5 Condition 23 as written.

6 MEMBER FONTES: Second.

7 CHMN STAFFORD: Further discussion? All in
8 favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 23 is
13 adopted.

14 All right. Moving on to finding of fact and
15 conclusions of law.

16 Do we want to continue with this or do you want
17 to take a break now and come back and see what other
18 conditions we want to adopt before?

19 MEMBER KRYDER: Let's take a break.

20 CHMN STAFFORD: All right, let's take a, what do
21 you say, 10, 15-minute recess? Somewhere between 10 and
22 15-minute recess.

23 Thank you. We are in recess.

24 (Recess from 10:16 a.m. to 10:45 a.m.)

25 CHMN STAFFORD: Let's go back on the record.

1 All right. I believe the applicant has some
2 language to address some of the requirements on the BLM
3 land.

4 MR. MOYES: Thank you, Mr. Chairman. After an
5 extensive conversation with Member Kryder and the
6 Chairman and our environmental consultants, we have done
7 the research that was asked, looked into both the
8 requirements with the BLM that are described in that MOU
9 that Ms. Hamilton mentioned.

10 And paragraphs 7 and 10 specifically spell out
11 the requirements under state law and that are required
12 under this, which is also a state permit. We don't want
13 to confuse what the state requirements are by adding a
14 federal element to them.

15 Instead, we would prefer under Condition 3 to
16 add additional language. Both Condition 3 and
17 Condition 4 bind the applicant to follow all federal law
18 as well, all permits, regulations that the United States
19 requires in addition to all the state and county and
20 municipal requirements.

21 But to add the clarification Member Kryder
22 requests, we would add additional language. We would add
23 a paragraph F that states that applicant and -- sorry,
24 we're working on this live as we came back on the record,
25 but --

1 MEMBER KRYDER: Could the font be increased just
2 slightly on this one. Much better. That'll work.

3 MR. MOYES: Applicant would comply with all
4 applicable federal regulations governing the handling of
5 protected objects.

6 And I can defer to Brian or any of our
7 environmental experts, but there's two federal acts that
8 govern the type of objects what would have been described
9 in paragraph 7 and 10.

10 The first is the National Historic Preservation
11 Act that would be akin to the state requirements under 7.
12 And for paragraph 10 for funerary objects, it's the
13 Native American Graves Protection and Repatriation Act.

14 So if the Committee would prefer we can
15 specifically reference those two acts in F and G.

16 CHMN STAFFORD: Yeah, I think that would be
17 preferable. You could probably, I think, reference both
18 those acts in one, in F.

19 MR. MOYES: So we would propose all applicable
20 federal regulations governing the handling of protected
21 objects as described in both the National Historic
22 Preservation Act and the Native American Graves
23 Protection and Repatriation Act. That's a fun one.

24 CHMN STAFFORD: I was going to suggest you
25 probably want to move that one part of the sentence back

1 up to the -- okay. Between protected objects and not
2 protected and funerary objects.

3 MR. MOYES: Well, there's two types of objects
4 that the two acts cover.

5 CHMN STAFFORD: Right.

6 MR. MOYES: One is archeological, the other is
7 funerary. So I would just reference protected objects in
8 general and then defer to the two acts.

9 CHMN STAFFORD: There should be an "and" between
10 act and the -- preservation act and the.

11 MR. MOYES: You're right. And the. Correct.

12 MEMBER KRYDER: Mr. Moyes?

13 MR. MOYES: Yes.

14 MEMBER KRYDER: One of the -- gosh, I hate doing
15 this. Suppose it was my body that was found out here
16 instead of a Native American, duh, you see what I'm
17 saying? If you're looking at the Native American
18 whatever preservation act.

19 MR. MOYES: Again in paragraph 10, Member
20 Kryder, covers what the state requirements would be.

21 MEMBER KRYDER: Okay.

22 MR. MOYES: If funerary objects or bodies are
23 discovered. Got it. Great point. Thanks.

24 MR. KRYDER: I'd take that.

25 CHMN STAFFORD: All right. Can I get a motion

1 on Condition 3? I guess we need to move it, then amend
2 it, and then move it as amended.

3 MEMBER KRYDER: Okay. It is already moved. I
4 believe -- it's already moved, Mr. Chairman. I believe,
5 to be approved. So we would have to do what to open this
6 again?

7 CHMN STAFFORD: Well, it's already been approved
8 so I need to motion to reconsider Condition 3, and then
9 I'll need a motion to make the amendment. And then I'll
10 need a motion to adopt it as amended.

11 MEMBER KRYDER: Okay. Mr. Chairman, I move that
12 condition number 3 be opened for reconsideration.
13 Second, somebody.

14 MEMBER DRAGO: Second.

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none.

20 MEMBER KRYDER: Mr. Chairman, I move that in
21 condition number 3 letter F as shown on the left-hand
22 screen here, do we need to read it into the record?

23 CHMN STAFFORD: I will. "All applicable federal
24 regulations governing the handling of protected objects
25 as described in both the National Historic Preservation

1 Act and the Native American Graves Protection and
2 Repatriation Act."

3 MEMBER KRYDER: I move that such language be
4 added to Condition 3.

5 MEMBER FONTES: Second.

6 CHMN STAFFORD: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: I would actually move the
12 Condition 3 as amended.

13 MEMBER KRYDER: Okay. Mr. Chairman, I move that
14 Condition 3 as amended be approved now with the
15 additional language just stated.

16 MEMBER FONTES: Second.

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 3 as
22 amended is adopted.

23 All right. So now we need to go back to
24 Condition 7, which I think we can -- 7 and 10, I think we
25 could probably leave as they are now that --

1 MEMBER KRYDER: I agree.

2 CHMN STAFFORD: Okay.

3 MEMBER KRYDER: Mr. Chairman, I move that
4 Condition 7 be approved as written.

5 MEMBER LITTLE: Second.

6 CHMN STAFFORD: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 MEMBER KRYDER: Mr. Chairman.

11 CHMN STAFFORD: Hearing none, Condition 7 is
12 adopted.

13 Yes, Member Kryder.

14 MEMBER KRYDER: I propose Condition 10 be
15 approved as written.

16 MEMBER LITTLE: Second.

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 10 is
22 adopted.

23 MEMBER KRYDER: Findings of facts and conclusion
24 of law.

25 CHMN STAFFORD: Yes.

1 MEMBER LITTLE: Mr. Chairman, I move Finding of
2 Fact and Conclusion of Law number 1.

3 MEMBER KRYDER: Second.

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No response.)

8 CHMN STAFFORD: Hearing none, Findings of Fact
9 and Conclusions of Law number 1 is adopted.

10 Number 2.

11 MEMBER ^ : Mr. Chairman, I move that we approve
12 Findings of Fact and Conclusions of Law number 2.

13 MEMBER LITTLE: Second.

14 CHMN STAFFORD: All in favor say "aye."

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, number 2 is
19 adopted.

20 MEMBER LITTLE: Mr. Chairman.

21 CHMN STAFFORD: Findings of Fact and Conclusions
22 of Law number 3. Yes, Member Little.

23 MEMBER LITTLE: Mr. Chairman, I move Findings of
24 Fact and Conclusions of Law 3.

25 MEMBER KRYDER: Second.

1 CHMN STAFFORD: All in favor say "aye."
2 (A chorus of "ayes.")
3 CHMN STAFFORD: Opposed.
4 (No response.)
5 CHMN STAFFORD: Hearing none, number 3 is
6 adopted.
7 Findings of Fact and Conclusion of Law number 4.
8 MEMBER KRYDER: Mr. Chairman, I move Finding of
9 Fact and Conclusions of Law number 4 be approved as
10 written.
11 MEMBER LITTLE: Second.
12 CHMN STAFFORD: All in favor say "aye."
13 (A chorus of "ayes.")
14 CHMN STAFFORD: Opposed?
15 (No response.)
16 CHMN STAFFORD: Hearing none, number 4 is
17 adopted.
18 Number 5.
19 MEMBER LITTLE: Mr. Chairman, I move Finding of
20 Fact and Conclusion of Law number 5 be approved.
21 MEMBER KRYDER: Second.
22 CHMN STAFFORD: All in favor say "aye."
23 (A chorus of "ayes.")
24 CHMN STAFFORD: Opposed?
25 (No response.)

1 CHMN STAFFORD: Hearing none, Finding of Fact
2 and Conclusion of Law number 5 is adopted.

3 Number 6.

4 MEMBER KRYDER: Mr. Chairman, I move that
5 Finding of Fact and Conclusion of Law number 6 be
6 approved as printed.

7 MEMBER DRAGO: Second.

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Finding of Fact
13 and Conclusion of Law number 6 is adopted.

14 Moving on to Exhibits A and B. I believe we had
15 a prior discussion about this. My recollection is that
16 we concluded to keep the Exhibit A and Exhibit B as -- to
17 adopt the Exhibit A and Exhibit B attached to applicant's
18 Exhibit BH-7 as the Exhibit A and Exhibit B for CEC
19 220-A.

20 MEMBER LITTLE: I so move.

21 MEMBER FONTES: Second.

22 CHMN STAFFORD: All in favor say "aye."

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Exhibit A and
2 Exhibit B to CEC 220-A are adopted.

3 All right. We're now ready to vote on the CEC
4 220-A as amended. Can I get a motion?

5 MEMBER LITTLE: Mr. Chairman, I move CEC 220-A
6 as amended.

7 MEMBER DRAGO: Second.

8 CHMN STAFFORD: Member Fontes, it's a roll call
9 vote for the final CEC.

10 MEMBER FONTES: Aye.

11 CHMN STAFFORD: Member Drago.

12 MEMBER DRAGO: I vote aye.

13 CHMN STAFFORD: Member Kryder.

14 MEMBER KRYDER: Aye.

15 CHMN STAFFORD: Member Mercer.

16 MEMBER MERCER: Aye.

17 CHMN STAFFORD: Member French.

18 AV TEAM MEMBER: Mr. Chairman, Member French was
19 having issues with his microphone. I just let him back
20 in the room.

21 CHMN STAFFORD: All right. Well, while he's
22 getting settled, let's go to Member Little.

23 MEMBER LITTLE: Aye.

24 CHMN STAFFORD: Member French. Still hearing
25 audio difficulties. I can't -- I thought I could faintly

1 hear something, but I can't hear what he's saying
2 specifically.

3 MEMBER KRYDER: Put your hand up if you approve.

4 CHMN STAFFORD: Give me the thumbs up if your
5 vote is aye. There you go. Let the record show that
6 Member French has voted aye.

7 By a vote of seven ayes and zero no's, the
8 Committee has approved CEC 220-A.

9 Now we can move on to CEC 220-B.

10 Can we get Chairman's Exhibit 3 and 4. 3 will
11 be the PDF that we're working from, and then 4 will be
12 the amended final CEC version.

13 MEMBER LITTLE: Mr. Chairman.

14 CHMN STAFFORD: Yes, Member Little.

15 MEMBER LITTLE: Can I first move that all
16 references to CEC-1 be replaced with CEC 220-A and all
17 references to CEC-2 be replaced with CEC 220-B.

18 MEMBER KRYDER: Second.

19 CHMN STAFFORD: All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN STAFFORD: All right. So let's review the
22 introduction.

23 MEMBER KRYDER: Mr. Chairman, in an attempt at
24 levity, this is another lovely opportunity for cut and
25 paste.

1 CHMN STAFFORD: Can I get a motion for the
2 introduction?

3 MEMBER KRYDER: Mr. Chairman, I move the
4 introduction be accepted as written.

5 MEMBER LITTLE: Mr. Chairman, online we cannot
6 see the CEC.

7 CHMN STAFFORD: All right.

8 MEMBER LITTLE: Thank you.

9 MR. MOYES: Mr. Chairman, we point out that the
10 Members need to be changed as well in the description.

11 CHMN STAFFORD: Yes, yes. I still need a
12 second, and then we'll amend the provision, then we'll
13 adopt it as amended. I'm still waiting on a second.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: All right. Now, so the changes
16 we need to make would be to make the changes to the
17 Members who are present.

18 We have already made the changes describing
19 CEC-1 and CEC-2. Can we get a motion to adopt the
20 introduction as amended?

21 MEMBER MERCER: Mr. Chairman, I move to accept
22 the changes to the introduction.

23 MEMBER DRAGO: Mr. Chairman.

24 CHMN STAFFORD: Yes.

25 MEMBER DRAGO: Are we voting on this one?

1 Because it has the votes in there, 7 to 0. Do you want
2 to wait till the end if we're going to vote on it
3 separately?

4 CHMN STAFFORD: Well, I think we can leave it
5 there for now, but if it's a different result we'll have
6 to change it.

7 MEMBER DRAGO: Okay. Sounds good. Has it been
8 moved as amended and seconded?

9 MEMBER MERCER: I moved it.

10 MEMBER FONTES: Second.

11 CHMN STAFFORD: All in favor say "aye."

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, the Introduction
16 is adopted as amended.

17 MEMBER LITTLE: Mr. Chairman, I move the project
18 description.

19 MEMBER MERCER: Second.

20 CHMN STAFFORD: All right. We need to make the
21 conforming changes for the CEC-2 and 1.

22 CHMN STAFFORD: Can I get a motion to adopt it
23 as amended?

24 MEMBER MERCER: I move to accept the changes.

25 MEMBER LITTLE: Second.

1 CHMN STAFFORD: All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, the project
6 description as amended is adopted.

7 Moving on to conditions.

8 MEMBER LITTLE: Mr. Chairman, I move condition
9 number 1.

10 MEMBER MERCER: Second.

11 CHMN STAFFORD: All in favor say "aye."

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: Hearing none, Condition 1 is
16 adopted.

17 Moving on to Condition 2.

18 MEMBER LITTLE: Mr. Chairman, I move
19 Condition 2.

20 MEMBER FONTES: Second.

21 CHMN STAFFORD: All in favor say "aye."

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 2 is

1 adopted.

2 MEMBER FRENCH: I move Condition 3.

3 MEMBER LITTLE: Second.

4 CHMN STAFFORD: All right. Now, can I get a
5 motion to amend Condition 3 to conform with CEC 220-A.

6 MEMBER LITTLE: I so move.

7 MEMBER FONTES: Second.

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 MR. MOYES: If you'll give us just a moment,
11 Mr. Chairman, we will add the paragraph F.

12 CHMN STAFFORD: We just moved the amendment;
13 right? Now we have to adopt it as amended; correct?

14 MEMBER KRYDER: That's what will be needed, yes.

15 CHMN STAFFORD: Okay.

16 MEMBER KRYDER: Mr. Chairman, I move that
17 condition number 3 be approved with the amendment as
18 shown.

19 MEMBER FRENCH: Second.

20 CHMN STAFFORD: Thank you, Member French, the
21 second. So again I'll read it into the record.

22 "All applicable federal regulations governing
23 the handling of protected objects as described in both
24 the National Historic Preservation Act and the Native
25 American Graves Protection and Repatriation Act."

1 That is added as a new Condition F. All in
2 favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 3 as
7 amended is adopted.

8 MEMBER MERCER: Mr. Chairman, I move
9 Condition 4.

10 MEMBER LITTLE: Second.

11 MEMBER FONTES: Second.

12 CHMN STAFFORD: All in favor say "aye."

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 4 is
17 adopted.

18 Number 5.

19 MEMBER LITTLE: Mr. Chairman, I move condition
20 number 5.

21 MEMBER MERCER: Second.

22 CHMN STAFFORD: All in favor say "aye."

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No response.)

1 CHMN STAFFORD: Hearing none, Condition 5 is
2 adopted.

3 Condition 6.

4 MEMBER LITTLE: Mr. Chairman, I move
5 Condition 6.

6 MEMBER FONTES: Second.

7 CHMN STAFFORD: All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?
10 (No response.)

11 CHMN STAFFORD: Hearing none, Condition 6 is
12 adopted.

13 Number 7.

14 MEMBER LITTLE: Mr. Chairman, I move
15 Condition 7.

16 MEMBER FONTES: Second.

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?
20 (No response.)

21 CHMN STAFFORD: Hearing none, Condition 7 is
22 adopted.

23 Moving on to number 8.

24 MEMBER MERCER: Mr. Chairman, I move condition
25 number 8.

1 MEMBER DRAGO: Second.

2 CHMN STAFFORD: All in favor say "aye."
3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?
5 (No response.)

6 CHMN STAFFORD: Hearing none, Condition 7 is
7 adopted. Oh, wait. Condition 8 is adopted.
8 All right.

9 MEMBER LITTLE: Mr. Chairman, I move
10 Condition 9.

11 MEMBER MERCER: Second.

12 CHMN STAFFORD: All in favor say "aye."
13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?
15 (No response.)

16 CHMN STAFFORD: Hearing none, Condition 9 is
17 adopted.

18 MEMBER LITTLE: Mr. Chairman, I move
19 Condition 10.

20 MEMBER MERCER: Second.

21 CHMN STAFFORD: All in favor say "aye."
22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?
24 (No response.)

25 CHMN STAFFORD: Hearing none, Condition 10 is

1 adopted.

2 Condition 11.

3 MEMBER LITTLE: Mr. Chairman, I move

4 Condition 11.

5 MEMBER FONTES: Second.

6 CHMN STAFFORD: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Hearing none, Condition 11 is

11 adopted.

12 MEMBER MERCER: Mr. Chairman, I move condition

13 number 12.

14 MEMBER LITTLE: Second.

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Condition 12 is

20 adopted.

21 Number 13.

22 MEMBER MERCER: Mr. Chairman, I move condition

23 number 13.

24 MEMBER DRAGO: Second.

25 MEMBER LITTLE: Second.

1 CHMN STAFFORD: All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Condition number 14 is adopted.

6 Number 15.

7 MEMBER LITTLE: Mr. Chairman, I move

8 Condition 15, but I have a sentence I would like to add.

9 So I move Condition 15.

10 MEMBER KRYDER: Second.

11 CHMN STAFFORD: What amendment would you like to
12 make, Member Little?

13 MEMBER LITTLE: Before I give you the language,
14 the draft language I've come up with, I would like to
15 explain my reasoning here.

16 The Staff letter pointed out that in the system
17 impact study there was a potential overload. We
18 discussed this to some extent, when the battery charges
19 from the grid under certain conditions.

20 Because of that statement as well as the
21 statement that says the -- their statement that the
22 project would improve -- could prove the reliability,
23 safety, blah, blah, blah, they also pointed out that the
24 proposed gen-tie must satisfy the mitigation requirements
25 before the project connects.

1 I think we need something in here and whether it
2 belongs here or whether it belongs as a totally separate
3 condition, I don't know. But we need to I believe say
4 something that, along the lines of "Applicant shall work
5 with SRP to develop an operating plan consistent with
6 WECC and NERC planning standards to prevent possible
7 system overloads during battery charging from the grid.
8 Such plan shall be filed to the docket or provided to
9 Staff." I don't care which one.

10 MEMBER FONTES: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Fontes.

12 MEMBER FONTES: Member Little, how does that not
13 be covered under NERC and WECC standards already? I
14 mean, I see it as being -- I see your point, first of
15 all, with due respect, but I think it's covered under
16 that, because --

17 MEMBER LITTLE: I believe it is. I believe it
18 is. However, I also believe that we have a
19 responsibility to address the concerns that were provided
20 to us by Staff.

21 We do not have access to these system impact
22 studies, well, sometimes we do but mostly we don't. We
23 simply respond to Staff's analysis, if you will, of the
24 system impact studies. And they pointed this out. I
25 think we need to indicate somewhere in the CEC that we

1 have addressed it specifically.

2 CHMN STAFFORD: I think potentially we should
3 address it in the Findings of Fact and Conclusions of Law
4 as opposed to conditions. It seems to me that the
5 conditions adequately cover that. But to be, maybe to
6 add some specificity to the Findings of Fact and
7 Conclusions of Law about saying, for example, in Findings
8 of Fact and Conclusions of Law number 2, or number 6
9 maybe.

10 MEMBER LITTLE: 6. That makes sense to me,
11 Mr. Chairman.

12 CHMN STAFFORD: Maybe in 2 because I think it
13 talks about safe and reliable transmission system. Maybe
14 we could add some language there that points out -- that
15 draws out that the mitigation factors have been
16 addressed.

17 MEMBER FONTES: I actually like that better
18 because, again, on this project you don't have a
19 contract; right? You don't know if it's going to be a
20 tolling agreement you're going to own and operate, so if
21 you refer to the law it gives you a future area to
22 address it.

23 And I think that's more of a reasonable approach
24 to inform the concern, and then also to give the
25 developer here an opportunity to react in a future

1 instance. So I agree.

2 CHMN STAFFORD: Okay.

3 MEMBER LITTLE: Thank you.

4 CHMN STAFFORD: So 15 has been moved and
5 seconded; correct?

6 MEMBER LITTLE: Yes.

7 CHMN STAFFORD: All right. Further discussion?
8 Is that satisfactory, Member Little?

9 MEMBER LITTLE: Yes.

10 CHMN STAFFORD: Okay.

11 MEMBER LITTLE: Absolutely.

12 CHMN STAFFORD: All right. All in favor say
13 "aye."

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 15 is
18 adopted.

19 Number 16.

20 MEMBER LITTLE: Mr. Chairman, I move
21 Condition 16.

22 MEMBER FONTES: Second.

23 CHMN STAFFORD: All in favor say "aye."

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Condition 16 is
3 adopted.

4 Moving on to 17.

5 MEMBER LITTLE: Mr. Chairman, I move
6 Condition 17.

7 MEMBER FONTES: Second.

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No response.)

12 CHMN STAFFORD: Hearing none, Condition 17 is
13 adopted.

14 Number 18.

15 MEMBER LITTLE: Mr. Chairman, I move
16 Condition 18.

17 MEMBER KRYDER: Second.

18 CHMN STAFFORD: All in favor say "aye."

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, Condition 18 is
23 adopted.

24 Number 19.

25 MEMBER LITTLE: Mr. Chairman, I move

1 Condition 19.

2 MEMBER DRAGO: Second.

3 CHMN STAFFORD: Now, do we want to change the
4 filing date from September to June for this CEC as well
5 for the compliance filings?

6 MEMBER FONTES: Mr. Chairman, if I can address
7 that. They represented that on the Caballero project
8 it's going to NPT in Q1 of 2025.

9 MR. MORETZ: That is the current plan.

10 MEMBER FONTES: So I would recommend 90 days
11 before that would be reasonable to inform Staff. But you
12 and I had a discussion on that that was rather informed,
13 Member Little, so also want to include your thoughts on
14 that.

15 90 days before they go to construction, which I
16 would deem reasonable. But, again, you have the insights
17 on the Utility Division's human resource and
18 availability. Is that --

19 MEMBER LITTLE: I think what you've suggested is
20 fine.

21 MEMBER FONTES: So it would be Q4 of '24. So
22 let's just say September -- yeah, that actually lines up.

23 MEMBER LITTLE: We can leave it as it is.

24 MEMBER FONTES: Leave it as it is.

25 MEMBER LITTLE: Yeah.

1 MEMBER FONTES: Now, question, does that line up
2 with the BLM POD and all the other things you'll have to
3 do, but you'll sort that out. Ms. Hamilton.

4 MR. MORETZ: Currently that does align.

5 MEMBER FONTES: Things change. Got it.

6 MR. MORETZ: Things change, but yes, currently
7 does align.

8 CHMN STAFFORD: All right. So for this
9 condition, for this for B we don't need to change the
10 September 1, 2024, date, then.

11 MEMBER FONTES: That would be my recommendation,
12 Mr. Chairman.

13 CHMN STAFFORD: All right.

14 MEMBER FONTES: I move that --

15 CHMN STAFFORD: It's been moved and seconded and
16 if we're not going to amend it, we can just go ahead and
17 vote it, then.

18 MEMBER FONTES: Okay.

19 CHMN STAFFORD: All in favor, Condition 19, say
20 "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed.

23 (No response.)

24 CHMN STAFFORD: Hearing none, Condition 19 is
25 adopted.

1 MEMBER MERCER: Mr. Chairman, I move
2 Condition 20.

3 MEMBER LITTLE: Second.

4 CHMN STAFFORD: All in favor say "aye."
5 (A chorus of "ayes.")

6 CHMN STAFFORD: All right. Opposed?
7 (No response.)

8 CHMN STAFFORD: Hearing none, Condition 20 is
9 adopted.

10 MEMBER LITTLE: Mr. Chairman, I move
11 Condition 21.

12 MEMBER MERCER: Second.

13 CHMN STAFFORD: All in favor say "aye."
14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?
16 (No response.)

17 CHMN STAFFORD: Hearing none, Condition 21 is
18 adopted.

19 Number 22.

20 MEMBER MERCER: Mr. Chairman, I move
21 Condition 22.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: All in favor say "aye."
24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Condition 22 is
3 adopted.

4 MEMBER KRYDER: Mr. Chairman, I move
5 Condition 23 be approved as printed.

6 MEMBER DRAGO: Second.

7 CHMN STAFFORD: All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: All right. Moving on to
10 Findings of Fact and Conclusions of Law.

11 MEMBER KRYDER: Mr. Chairman, I move the
12 Findings of Fact and Conclusions of Law number 1 be
13 approved as printed.

14 MEMBER LITTLE: Second.

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Finding of Fact and Conclusion
18 of Law number 1 is adopted.

19 Number 2.

20 MEMBER LITTLE: Mr. Chairman I move Condition 2.

21 MEMBER MERCER: Finding of fact.

22 MEMBER KRYDER: Second.

23 CHMN STAFFORD: Member Little, did you have
24 language you wanted to add to this condition to address
25 Staff's response in its letter?

1 MEMBER LITTLE: Yes. As I said, it's just
2 suggested language. If others have more legally proper
3 language or other suggestions, please speak up.

4 "Applicant shall work with SRP to develop an
5 operating plan to prevent possible system overloads
6 during battery charging from the grids. Such plan shall
7 be" -- I don't know if the applicant prefers to file it
8 to the docket or provide it to Staff. I don't care
9 which.

10 MR. MORETZ: I think there might be a little bit
11 of an issue here. I don't know that we can obligate SRP
12 to participate in this with us.

13 MEMBER FONTES: Mr. Chairman, can I offer an
14 insight here.

15 CHMN STAFFORD: Yes.

16 MEMBER FONTES: And you don't have a contract
17 either so you don't know who the counter party is. So I
18 would put the "future operator" or words to that effect.
19 And perhaps Mr. Moretz, you can come up with something.
20 But whoever is on that counter party that's going to have
21 operational control, I would think would be the one
22 working with you to solve this and inform at a future
23 date.

24 MEMBER LITTLE: Agreed.

25 MEMBER FONTES: So if you can provide some, you

1 know, language around that, a designated utility or
2 contractual utility, something like that perhaps.

3 CHMN STAFFORD: I was thinking this is more of a
4 statement than a requirement on the applicant. Like a
5 qualifying statement to that.

6 MEMBER FONTES: Qualified operator.

7 CHMN STAFFORD: No, it just says that it's --

8 MEMBER FONTES: Yeah.

9 CHMN STAFFORD: -- aides the state doing this.
10 Provided that --

11 MEMBER FONTES: If I may, Mr. Chairman, and I
12 know you're in consultation over there, Mr. Moretz, but
13 under NERC, and SIP standards and under OPPs you have --
14 this gets that.

15 So you may want to consider that as a reference
16 as opposed to on operational utility, but some sort of
17 reference I think satisfies Member Little's concern.

18 MR. MORETZ: Agreed. I think that might be a
19 more viable path.

20 MEMBER FONTES: Within NERC do you want to
21 reference SIP or do you want to say NERC at large?

22 MEMBER LITTLE: NERC, because it's more
23 commonly --

24 MEMBER FONTES: NERC. Yeah, because SIP is more
25 getting into SCADA and data protocols.

1 MR. MORETZ: Right. Yeah.

2 MEMBER FONTES: And NERC will be broader,
3 because she's getting at backflow in the event that they
4 charge from the grid, which I don't think you want to do
5 contractually for obvious tax reasons. But is that okay?
6 NERC?

7 MR. MORETZ: I would think NERC.

8 CHMN STAFFORD: Member Little.

9 MEMBER LITTLE: Yes, absolutely.

10 MEMBER FONTES: So "applicant shall work with
11 operational utility within NERC standards."

12 MR. MORETZ: That sounds good.

13 MR. MOYES: If I may, Mr. Chairman.

14 CHMN STAFFORD: Yes, Mr. Moyes.

15 MR. MOYES: I'm struggling with the concept of
16 putting a, what amounts to a condition --

17 CHMN STAFFORD: Right. I agree with you. My
18 thought was that it would be, it aids the State,
19 preserving safe and reliable electric transmission system
20 provided, and then some kind of what was required. But
21 if we are going to put a condition, it needs to be put in
22 the conditions and not in the Findings of Fact and
23 Conclusions of Law.

24 MR. MOYES: Right. My suggestion would be if
25 we -- if it's more convenient, as was previously

1 discussed to keep it here, that the wording read, "The
2 project aids the State by preserving a safe and
3 reliable" -- well, "Aids the State, preserving a safe and
4 reliable electric transmission system by complying with
5 all NERC standards," or however we want to word that.

6 MEMBER LITTLE: No, I think that we've already
7 said in the conditions that you have to comply with NERC
8 standards. I want to specifically address the potential
9 problem that was brought up in the letter from Staff.

10 MEMBER FONTES: Which I, if I could, Mr. Tan is
11 like an N minus 1 contingency trip event that would be
12 under a NERC.

13 MR. TAN: Yeah, it's --

14 MEMBER LITTLE: Or even N minus 2 maybe.

15 MR. TAN: Yeah, it's -- yeah. Because this
16 is --

17 MR. MORETZ: And they're not going to let us
18 grid charge under that condition.

19 MEMBER FONTES: They're not.

20 MEMBER KRYDER: Speak into your microphone a
21 little bit better, please.

22 MR. MORETZ: Sorry. I just made the comment
23 that they would not let a grid charge under those
24 conditions anyway.

25 MEMBER FONTES: I think just as an observation,

1 and haven't worked in these system, it's just that you
2 don't have a contract so you can't really give a
3 definitive yet on the other project that we're going to
4 see you do.

5 Which I would look for more definitive to
6 address this concern that Member Little's bringing up.
7 But --

8 MEMBER LITTLE: Well, we could say basically
9 what Staff said, which is, "The project aids the State
10 preserving a safe and reliable electric transmission
11 system provided" -- how did they -- language that they
12 used? "Provided mitigation requirements are satisfied."

13 CHMN STAFFORD: Well, that's the Pinyon gen-tie,
14 it says, "Staff believes the Pinyon gen-tie satisfies the
15 mitigation requirements before the project interconnects,
16 the project could interview reliability."

17 So it was the Pinyon gen-tie that had the
18 mitigation requirements.

19 MEMBER LITTLE: That's true. You are absolutely
20 right.

21 CHMN STAFFORD: So it seems like that language
22 is unnecessary for this particular CEC.

23 MEMBER LITTLE: Well, I'm open to suggestions on
24 how to address this. I just feel that it should be
25 addressed because Staff pointed out to us that there are

1 some issues that need to be addressed.

2 And, you know, we don't know they're going to be
3 addressed, or the projects won't go forward, won't be
4 good ^ to the system. But I feel that we have an
5 obligation to show that we are aware of them and have
6 addressed them.

7 MR. MOYES: I would point out that -- oh, I'm
8 sorry, Member Little, I didn't mean to interrupt you.

9 MEMBER LITTLE: I think I interrupted you. I'm
10 sorry.

11 CHMN STAFFORD: Oh, wait, I think I am going to
12 interrupt both. I think I'm mistaken. I think it was
13 looking at it, was the Caballero, the SRP with the
14 potential overload. So it is this one. This is
15 Caballero we're talking about; correct?

16 MEMBER LITTLE: Yes.

17 CHMN STAFFORD: Okay.

18 MEMBER LITTLE: Well, perhaps we just need to
19 expand that condition, what is it, 15, what's the number
20 of it?

21 MEMBER FONTES: Member Little, thinking this
22 through a little bit more, it's really the balancing
23 authority that's going to have the best view on this.

24 MEMBER LITTLE: Right.

25 MEMBER FONTES: Not necessarily NERC and not

1 SRP, because SRP owns the substation. They don't have a
2 future contract and it's going to be that offtaker who
3 would order that through the balancing authority.

4 So trying to be delicate here and responsive to
5 what I think the Commission needs to look at in terms of
6 monitoring this. Can we enter language that the project,
7 "Aids State preserving the safe, reliable electric
8 transmission system within operational requirements of
9 the balancing authority of the contractual offtaker"?

10 Because that seems reasonable to me. But,
11 again.

12 MEMBER LITTLE: Yeah, I like that language.

13 MEMBER FONTES: Don't ask me to repeat it. I'll
14 help if you --

15 MR. MOYES: If I may, Mr. Chairman, I believe
16 Mr. Tan presented testimony to that very effect
17 yesterday.

18 MEMBER LITTLE: He did. He did, yes, and as I
19 said, we all know that this is going to happen.

20 MR. MOYES: Correct.

21 MEMBER LITTLE: I just feel we have an
22 obligation to address it in the CEC.

23 MR. MOYES: Just as a matter of education for
24 any new Committee Members, I would also point out that
25 these Staff responses and the letters to the chairman as

1 well as the interaction between applicants and Staff in
2 data requests, almost every system impact study that is
3 submitted -- those studies of course are done by the
4 utilities -- point out potential mitigation that needs to
5 be done for any project.

6 They also point out potential hypotheticals that
7 could go wrong if certain conditions were met or
8 violations were allowed to happen.

9 And so it is not unusual for a Staff letter to
10 point those out. We of course would comply with all of
11 those, but I don't disagree that if we can elaborate on
12 this language in the Findings of Fact and Conclusions of
13 Law that just points out that you are, provided that
14 you're complying with NERC standards or however we best
15 want to word that, I think Member Fontes just pointed out
16 very helpful language, I cannot repeat it.

17 However, I don't want to word a Findings of Fact
18 and Conclusions of Law as an additional condition
19 required upon an applicant. It doesn't make sense
20 legally. I think it would confuse the Commissioners.

21 CHMN STAFFORD: Exactly. And that's what I
22 stated earlier. I think my thought is it is would be
23 clarification saying it does preserve a safe and reliable
24 grid, you know, as long as they're doing x, y -- as long
25 as these things happen.

1 Not as saying, well, they must do these things
2 to maintain a safe and reliable grid. That should
3 belong, I agree that belongs in the conditions.

4 I guess it depends what kind of language you
5 want to put in here. Do we want to say, do we want to
6 add language to the Conclusions of Law and Findings of
7 Fact or do we want to add an additional condition back
8 in, what is it, number 3?

9 MEMBER LITTLE: I don't think we need that, no.
10 Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Little.

12 MEMBER LITTLE: I think that the language that
13 was suggested by Member Fontes is -- maybe we can get the
14 court reporter to read it back and then just finesse that
15 as we need to.

16 I would like to see that in every CEC, actually.
17 I think that that -- but so I would agree that takes care
18 of my concerns and I don't think it puts an unnecessary
19 burden on the applicant.

20 CHMN STAFFORD: So you're envisioning it as an
21 additional condition or expanding 15 or a statement in
22 the conclusions of fact -- conclusions of law --

23 MEMBER LITTLE: Yes.

24 CHMN STAFFORD: -- Findings of Fact and
25 Conclusions of Law.

1 MEMBER LITTLE: Yes. There. I think it was
2 suggested that it be just a continuation of that sentence
3 in number 2 condition, that finding of fact.

4 MEMBER FONTES: It was indeed, Member Little,
5 and I tried to avoid it so would not be reflected as a
6 condition.

7 MEMBER LITTLE: Right. So perhaps the court
8 reporter could read us back what he said.

9 CHMN STAFFORD: Could the court reporter please
10 recall Member Fontes's statement when he was proposing
11 the amendment to the Conclusions of Law and Finding of
12 Fact.

13 (The reporter read back the requested portion of
14 the record.)

15 MEMBER KRYDER: Could you expand the font just a
16 bit for this old man's eyes?

17 MR. MOYES: Can we have the court reporter
18 repeat that one more time, please, for sake of word
19 processing. Thank you.

20 MEMBER FONTES: I might suggest a slight edit to
21 that in -- Mr. Tan, if I can get your attention here.

22 MR. TAN: Yes, sir.

23 MEMBER FONTES: Within operating requirements of
24 the balancing authority, and the contractual oftakers
25 would be my modification. So Mr. Moretz, Mr. Tan.

1 MR. MORETZ: I agree. I believe "and" would be
2 more appropriate here.

3 MEMBER FONTES: More appropriate.

4 MEMBER LITTLE: Balancing authority needs to be
5 capitalized, doesn't it, or not? Maybe not because we're
6 not talking about a specific one.

7 CHMN STAFFORD: Yeah. I don't think we need to
8 capitalize it here.

9 MEMBER LITTLE: I'm happy.

10 CHMN STAFFORD: All right. Now, was Findings of
11 Fact and Conclusions of Law number 2 moved already and
12 seconded, so now we're -- need to move your amendment?

13 MEMBER LITTLE: Mr. Chairman, I move the
14 amendment.

15 MEMBER FONTES: I second.

16 CHMN STAFFORD: All in favor of the amendment,
17 say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

21 CHMN STAFFORD: Hearing none, number 2 as
22 amended. Can I get a motion to adopt it as amended?

23 MEMBER LITTLE: Mr. Chairman, I move Finding of
24 Fact and Condition of Law number 2 as amended.

25 MEMBER FONTES: Second.

1 CHMN STAFFORD: All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, Findings of Fact
6 and Conclusions of Law number 2 is adopted as amended.

7 Can you go back --

8 MEMBER LITTLE: Mr. Chairman --

9 CHMN STAFFORD: Can I get the left-hand -- here
10 we go. Can you scroll down? Left-hand screen. There
11 you go.

12 MEMBER MERCER: Mr. Chairman, I move Findings of
13 Fact and Conclusions of Law number 3.

14 MEMBER DRAGO: Second.

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Findings of Fact
20 and Conclusions of Law number 3 is adopted.

21 MEMBER FRENCH: Move finding 4.

22 MEMBER LITTLE: Second.

23 CHMN STAFFORD: All in favor say "aye."

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, Findings of Fact
3 and Conclusions of Law number 4 is adopted.

4 MEMBER FRENCH: Moving finding 5.

5 MEMBER LITTLE: Second.

6 CHMN STAFFORD: All in favor say "aye."

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Hearing none, Findings of Fact
11 and Conclusions of Law number 5 is adopted.

12 MEMBER LITTLE: Mr. Chairman, I move Findings of
13 Fact and Conclusions of Law number 6.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, Findings of Fact
20 and Conclusions of Law number 6 is adopted.

21 Moving on to Exhibits A and B for this CEC. I
22 assume that we want to use the same maps that were
23 attached to applicant's Exhibit BH-7 for the Caballero
24 project?

25 Should be on pages I think 204 and 206 of the

1 PDF for your exhibits.

2 MEMBER LITTLE: Mr. Chairman, I move that we
3 accept Exhibit 1.

4 MEMBER MERCER: Second.

5 CHMN STAFFORD: You mean Exhibit A?

6 MEMBER LITTLE: Exhibit A. I'm sorry. Yes.

7 CHMN STAFFORD: All in favor say "aye."

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: Hearing none, Exhibit A is
12 adopted.

13 Can I get a motion to accept Exhibit B.

14 MEMBER MERCER: So moved.

15 MEMBER FONTES: Second.

16 CHMN STAFFORD: All in favor say "aye."

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, Exhibit B is
21 adopted.

22 Is there anything else we need to address before
23 we vote on the CEC 220-B?

24 (No response.)

25 CHMN STAFFORD: Members?

1 MEMBER KRYDER: No.

2 CHMN STAFFORD: All right. Let's call the roll
3 on 220-B. Member Fontes.

4 MEMBER FONTES: Aye.

5 CHMN STAFFORD: Member Drago.

6 MEMBER DRAGO: I vote aye.

7 CHMN STAFFORD: Member Kryder.

8 MEMBER KRYDER: Aye.

9 CHMN STAFFORD: Member Mercer.

10 MEMBER MERCER: I vote aye.

11 CHMN STAFFORD: Member French?

12 MEMBER FRENCH: I vote aye.

13 CHMN STAFFORD: Member Little?

14 MEMBER LITTLE: I would like to just thank the
15 applicant for their cooperation and understanding. And
16 our responsibilities, and for providing a good, good
17 presentation to us. A good, understandable presentation
18 to us. And with that I vote aye.

19 CHMN STAFFORD: And I vote aye as well so by a
20 vote of 7 ayes and zero nays, CEC 220-B is approved.

21 I would also -- can I get a motion to allow me
22 as the chair to correct any scrivener's errors in
23 preparing the final forms of these CECs?

24 MEMBER DRAGO: So moved.

25 MEMBER FRENCH: Second.

1 CHMN STAFFORD: All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Hearing none, motion passes.

6 Anything else, Members? Does the applicant have
7 anything? I think we've covered everything at this
8 point.

9 MR. MORETZ: We would just like to thank you all
10 for your time and cooperation in working with us through
11 this. Very much appropriate it.

12 MR. MOYES: I would also like to thank the
13 Committee Members. In this case particularly for your
14 attention to detail. It's refreshing to have the
15 Committee who has actually read the materials and
16 analyzed them and pointed out things that we may have
17 missed.

18 I'm grateful for the very thorough conversations
19 we had both on and off the record that informed this and
20 future CECs. So thank you.

21 MEMBER KRYDER: Thank you.

22 CHMN STAFFORD: Thank you. And with that we are
23 adjourned.

24 (Proceedings concluded at 11:45 a.m.)

25

1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

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

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

12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and
14 ACJA 7-206(J)(1)(g)(1) and (2).

15 Dated at Phoenix, Arizona, June 8, 2023.

16
17
18 

19 _____
20 JENNIFER HONN, RPR
21 Arizona Certified Reporter
22 No. 50885

23 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has
24 complied with the ethical obligations set forth in
25 ACJA 7-206(J)(1)

26
27 

28 _____
29 GLENNIE REPORTING SERVICES, LLC
30 Arizona Registered Firm
31 No. R1035