

1 BEFORE THE ARIZONA POWER PLANT

LS-405

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION OF ) DOCKET NO.  
5 HARQUAHALA FLATS ENERGY STORAGE, ) L-21340A-24-0260-  
6 LLC, IN CONFORMANCE WITH THE ) 00241  
7 REQUIREMENTS OF ARIZONA REVISED )  
8 STATUTES 40-360, ET SEQ., FOR A ) LS CASE NO. 241  
9 CERTIFICATE OF ENVIRONMENTAL )  
10 COMPATIBILITY AUTHORIZING THE )  
11 HARQUAHALA FLATS BATTERY ENERGY )  
12 STORAGE SYSTEM INTERCONNECTION )  
13 PROJECT, WHICH CONSISTS OF A )  
14 NEW, APPROXIMATELY 2.9-MILE-LONG, )  
15 500KV TRANSMISSION LINE CONNECTING )  
16 THE PLANNED HARQUAHALA FLATS )  
17 BATTERY ENERGY STORAGE SYSTEM )  
18 PROJECT LOCATED IN UNINCORPORATED )  
19 MARICOPA COUNTY, ARIZONA TO THE ) PREHEARING  
20 EXISTING ARIZONA PUBLIC SERVICE ) CONFERENCE  
21 DELANEY SUBSTATION. )  
22 )  
23 )  
24 )  
25 )

13

14 At: Phoenix, Arizona

15 Date: January 6, 2024

16 Filed: January 9, 2024

17

18 REPORTER'S TRANSCRIPT OF PROCEEDINGS

19 (Pages 1 through 18)

20

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25 By: Robin L. B. Osterode, CSR, RPR  
Arizona CR No. 50695

1	NO.	DESCRIPTION	IDENTIFIED	ADMITTED
2	1	Harquahala Flats Battery Energy	10	10
3		Storage System Interconnection		
4		Project CEC Hearing Route Tour		
5		Itinerary		
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1 BE IT REMEMBERED that the above-entitled  
2 and numbered matter came on regularly to be heard before  
3 the Arizona Power Plant and Transmission Line Siting  
4 Committee at Phoenix, Arizona, commencing at 11:00 a.m.  
5 on January 6, 2025.

6

7

8 BEFORE: ADAM STAFFORD, Chairman

9

10 APPEARANCES:

11 For the Applicant:

12 CROCKETT LAW GROUP  
13 By: Jeffrey W. Crockett  
14 2198 East Camelback Road, Suite 305  
Phoenix, Arizona 85016

15 For the Intervenor:

16 SNELL & WILMER  
17 By: Matthew Derstine  
One East Washington Street, Suite 2700  
Phoenix, Arizona 85004

18 PINNACLE WEST CAPITAL CORPORATION  
19 By: Linda Benally  
400 North 5th Street, MS 8695  
Phoenix, Arizona 85004

20

Also Present:

21

22 Colin Agner, SWCA  
23 Tod Brewer, Assistant to Chairman Stafford  
24 Anna Galanis, NextEra Energy  
25 Phil Givens, NextEra Energy  
James Jackson, NextEra Energy  
Alex Simons, NextEra Energy  
Jason Spitzkoff, APS

1 CHMN STAFFORD: Now is the time set for the  
2 prehearing conference for Docket L-21340A-24-0260-00241,  
3 or Line Siting Case 241. Let's start by taking  
4 appearances.

5 Mr. Crockett.

6 MR. CROCKETT: Good morning, Chairman  
7 Stafford. Jeff Crockett appearing on behalf of  
8 Harquahala Flats Energy Storage, LLC, the applicant in  
9 this case. And I'll just mention quickly, we have on the  
10 line with us James Jackson, who is with NextEra Energy,  
11 the project manager. We have Anna Galanis, in-house  
12 counsel with NextEra. Colin Agner, who is with SWCA, the  
13 environmental consultant. We have Alex Simons, who is  
14 the environmental -- the environmental consultants on the  
15 project with NextEra.

16 And, just looking at my list, I think  
17 that's everyone.

18 CHMN STAFFORD: All right.

19 And Ms. Benally and Mr. Derstine.

20 MS. BENALLY: (Inaudible.)

21 THE REPORTER: We can't hear you,  
22 Ms. Benally.

23 CHMN STAFFORD: We can't hear you,  
24 Ms. Benally. You're on mute or something.

25 Mr. Derstine, there seems to be a problem

1 with Ms. Benally's --

2 MR. DERSTINE: (Inaudible) company and Matt  
3 Derstine also appear --

4 THE REPORTER: I'm sorry, I only got part  
5 of that.

6 Is everyone frozen?

7 (No response.)

8 THE REPORTER: Hello?

9 CHMN STAFFORD: It appears that  
10 Mr. Derstine and Ms. Benally are having audio or video  
11 troubles. Mr. Derstine appears to be frozen and  
12 Ms. Benally's -- her audio is not working.

13 THE REPORTER: Yeah. And everybody froze  
14 for me for a minute.

15 CHMN STAFFORD: I see Mr. Spitzkoff has  
16 joined us.

17 MR. SPITZKOFF: Can you guys hear me?

18 CHMN STAFFORD: Yes.

19 MR. SPITZKOFF: So I'm not an attorney to  
20 make an appearance, but Linda Benally with APS and Matt  
21 Derstine with Snell & Wilmer on behalf of APS.

22 CHMN STAFFORD: All right. Let's see if  
23 they can get their technical issues sorted out.

24 MR. SPITZKOFF: They're texting me that  
25 they are having audio issues.

1 MR. CROCKETT: And, Chairman Stafford, I  
2 would note for the record that Phil Givens has also  
3 joined the call. Phil is with NextEra Energy, one of my  
4 witnesses in this case.

5 CHMN STAFFORD: Thank you.

6 Let's see, Mr. Derstine is getting on here  
7 again, let's see if it will work this time.

8 MR. DERSTINE: Can you hear me? I just  
9 switched over to using my phone. For whatever reason my  
10 computer is having issues. Can you hear me okay?

11 CHMN STAFFORD: Yes, we can hear you fine.

12 MR. DERSTINE: Okay. So Matt Derstine,  
13 Snell & Wilmer, appearing on behalf of Arizona Public  
14 Service Company. And Ms. Linda Benally, also appearing  
15 on behalf of Arizona Public Service Company.

16 CHMN STAFFORD: All right.

17 Mr. Crockett, we're confirmed that you have  
18 the lodging arrangements for the committee members from  
19 out of town?

20 MR. CROCKETT: Yes, Chairman Stafford. We  
21 do have lodging for the committee members. Mr. Agner has  
22 provided to Tod the reservation confirmation numbers for  
23 the various committee members.

24 We will be at the Hampton Inn & Suites  
25 Phoenix-Goodyear. That's located on Litchfield Road in

1 Phoenix. We've been there before.

2 CHMN STAFFORD: Okay.

3 APS has requested to intervene. That will  
4 be decided by the committee at the hearing. I'm  
5 anticipating it will be granted, because APS has a  
6 definite interest in this project, as they are the  
7 interconnecting utility.

8 Oh, Ms. Benally, you're back.

9 MS. BENALLY: Mr. Chairman, I am. I  
10 apologize for the audio issues. I joined on my phone.

11 CHMN STAFFORD: Okay. Excellent. It seems  
12 to be functioning now. Excellent.

13 Ms. Benally and Mr. Derstine, you've  
14 had -- you've noticed Mr. Spitzkoff as your only witness.  
15 I assume that he will provide brief testimony to talk  
16 about the interconnection and the section of the line  
17 that will be transferred to APS, correct?

18 MS. BENALLY: Mr. Chairman, part of that is  
19 correct. He will be providing some testimony, as needed;  
20 however, there is not a CEC that will be transferred to  
21 APS. It is a one CEC application, because the line  
22 currently exists that is going to be serving as the  
23 interconnection for this project. Let me rephrase that,  
24 I'm sorry.

25 The gen-tie line from the POCO to the

1 Delaney Substation is currently existing. And it will be  
2 repurposed to serve this customer.

3 CHMN STAFFORD: That makes more sense when  
4 you explain it that way.

5 All right. Let's see, do all the parties  
6 agree that May 31st, 2025, is the time limit for the  
7 committee to act in compliance with the statute?

8 MR. CROCKETT: Yes, Chairman Stafford, the  
9 applicant agrees.

10 CHMN STAFFORD: And APS?

11 MS. BENALLY: That's correct.

12 CHMN STAFFORD: Okay. And the applicant's  
13 complied with the notice to the affected jurisdictions?

14 MR. CROCKETT: Yes, Chairman Stafford.

15 CHMN STAFFORD: And you added a -- you  
16 supplemented that, didn't you?

17 MR. CROCKETT: Well, we have provided a  
18 public outreach supplement, which was filed in the docket  
19 on Friday, we -- with respect to the notification of the  
20 publication of the notice, we -- we published notice  
21 originally through the West Valley View. The West Valley  
22 View inadvertently published a draft of the -- of the  
23 notice that did not include your signature or the docket  
24 number.

25 It did include the date of the hearing and



1 the location, et cetera. So we quickly republished in  
2 the statewide edition of the Arizona Republic.

3 CHMN STAFFORD: Okay. So the publication  
4 dates in the West Valley View was November 27th and  
5 December 4th. And then the Arizona Republic publication  
6 dates were December 14th and the 15th?

7 MR. CROCKETT: That's correct.

8 CHMN STAFFORD: Okay. And then the  
9 affected jurisdictions, Maricopa County -- Maricopa  
10 County, Department of Transportation, Arizona State Land  
11 Department and the Arizona Fire and Medical Authority.  
12 And then you added an additional one?

13 MR. CROCKETT: Yeah, the Maricopa County  
14 Flood Control District.

15 CHMN STAFFORD: Okay.

16 MR. CROCKETT: And they have all received  
17 copies of the notice of hearing, the procedural -- or the  
18 agenda we sent that by certified mail, and I have filed  
19 in the docket copies of the green cards that came back  
20 showing that they received the notice.

21 CHMN STAFFORD: All right. Because you  
22 filed -- last week you filed your summaries of testimony  
23 and the outreach summary and the proposed CEC?

24 MR. CROCKETT: Correct.

25 CHMN STAFFORD: Okay. We have one exhibit

1 for this, for the Prehearing Exhibit 1, which is the tour  
2 itinerary?

3 MR. CROCKETT: That's correct.

4 CHMN STAFFORD: All right. That is  
5 admitted.

6 (Exhibit PHC-1 was admitted into evidence.)

7 CHMN STAFFORD: So notice has been provided  
8 in compliance with the statute and the Procedural Order.  
9 Have both the applicant and APS reviewed  
10 the agenda? Are there any objections or additions,  
11 Mr. Crockett?

12 MR. CROCKETT: No, Chairman Stafford.

13 CHMN STAFFORD: Ms. Benally?

14 MS. BENALLY: No objections from APS.

15 CHMN STAFFORD: Okay. All right. So the  
16 hearing, it's going to be held at the Hampton Inn &  
17 Suites in Goodyear?

18 MR. CROCKETT: That's correct.

19 CHMN STAFFORD: Okay. Starting out  
20 January 13th. Now, you've got the -- I assume you're  
21 using Peaks Audio again?

22 MR. CROCKETT: Yes.

23 CHMN STAFFORD: Okay. So then we'll have  
24 all of the technological resources we'll require to  
25 conduct the hearing. You'll have sign-in forms for the

1 public comment session, correct?

2 MR. CROCKETT: Yes, we will.

3 CHMN STAFFORD: Okay. Will there be a need  
4 for any security at the hearing?

5 MR. CROCKETT: We don't believe so, no.

6 CHMN STAFFORD: The attire for the hearing  
7 is business casual.

8 Now, refresh my memory, Mr. Crockett, are  
9 there alternate routes for this application?

10 MR. CROCKETT: No, Chairman Stafford, there  
11 are not. I will tell you that we have been having  
12 discussions with APS regarding the path from the point of  
13 change of ownership into the Delaney Substation. We're  
14 still working that out. Ms. Benally tells me  
15 that -- that APS is likely to propose some additional  
16 language in the draft CEC that we filed, but we -- we'll  
17 continue to work on that, and hopefully we'll have that  
18 worked out before the hearing comes next week.

19 CHMN STAFFORD: Okay. So you've both  
20 exchanged witness summaries?

21 MS. BENALLY: That's correct.

22 MR. CROCKETT: That's correct.

23 CHMN STAFFORD: Okay. And exhibits. How  
24 many exhibits do the parties have?

25 MR. CROCKETT: Chairman Stafford, we have

1 12 exhibits, the applicant does. I will be getting those  
2 over to Ms. Benally here this afternoon. The remainder  
3 of the exhibits -- there's a couple that we're still  
4 lacking, the -- the correspondence from the Utilities  
5 Division Staff is one, and the PowerPoint presentation is  
6 another. But the remainder of the exhibits I'll get over  
7 to Ms. Benally after this -- this procedural conference  
8 this morning.

9 CHMN STAFFORD: Okay. And, Ms. Benally,  
10 how many exhibits does APS intend to introduce?

11 MS. BENALLY: APS may have one to two  
12 exhibits. It could turn out that what the applicant  
13 provides as exhibits will suffice, but we'll determine  
14 that as we review the exhibits provided by the applicant.

15 CHMN STAFFORD: All right. Are there any  
16 other things that we need to resolve prior to hearing?

17 MR. CROCKETT: I don't believe so,  
18 Chairman.

19 CHMN STAFFORD: And the applicants have  
20 made the financial arrangements with the Commission?

21 MR. CROCKETT: Yes.

22 CHMN STAFFORD: And as you stated, we're  
23 waiting on the Staff response letter, correct?

24 MR. CROCKETT: Yes, that's correct.

25 CHMN STAFFORD: Okay. I would anticipate

1 that to get filed sometime this week. We've got your  
2 proposed CEC.

3 And you said that APS may have some  
4 additional language proposed for the CEC, Ms. Benally?

5 MS. BENALLY: That is correct. And it will  
6 be dealing primarily with the point of change of  
7 ownership into the Delaney Substation.

8 CHMN STAFFORD: Okay. I think the best way  
9 to handle that is when you have that ready just file  
10 it -- introduce that and file it as an exhibit.

11 MS. BENALLY: Will do, Mr. Chairman.

12 CHMN STAFFORD: All right. I believe we  
13 covered this before at the prefiling, that the permit  
14 status is that the line is a permitted use and that its  
15 conditional use permit will be filed -- was to be filed  
16 in December with the County, was that accurate?

17 MR. CROCKETT: That's correct. And I guess  
18 Mr. Jackson can provide a quick update on the status of  
19 that, if you like.

20 MR. JACKSON: Good afternoon, Mr. Chairman.  
21 Yes, we were going to file it in December, however, we  
22 have local counsel that we were trying to get hired at  
23 the beginning of December, but we didn't get them onboard  
24 until after Christmas. And so we wanted to give them  
25 time to review it, so our plan is to file it at the end

1 of this week after they give their initial comments to  
2 the submittal.

3 CHMN STAFFORD: Okay. Thank you.

4 All right. And there's no NEPA process for  
5 this project, correct?

6 MR. CROCKETT: That's correct. There is no  
7 NEPA requirement here.

8 CHMN STAFFORD: Okay. And so at the  
9 hearing I'm assuming you'll be providing the exhibits for  
10 the members with -- on tablets, as opposed to hard copies  
11 and notebooks, correct?

12 MR. CROCKETT: That's correct.

13 CHMN STAFFORD: Okay. All right. I think  
14 that's everything I have. Is there anything else that we  
15 need to cover, Mr. Crockett or Ms. Benally, starting with  
16 you, Mr. Crockett?

17 MR. CROCKETT: Nothing from our end. Thank  
18 you.

19 CHMN STAFFORD: Ms. Benally?

20 MS. BENALLY: Mr. Chairman, this -- I'm  
21 happy to have this discussion at a later time, if  
22 appropriate, but I did discuss with Mr. Crockett the  
23 duration of the hearing. It's currently slated, I think,  
24 to start on the 13th and maybe run through the 16th or  
25 17th, Thursday or Friday of that week. January 15th is a

1 day of open meeting, and there may be a possibility that  
2 Mr. Derstine will need to appear at the open meeting,  
3 who's going to be representing us at the hearing in  
4 Goodyear.

5 I'm also going to be on business travel and  
6 not available on the 15th as well. So I just wanted to  
7 make that known and possibly consider a later start time  
8 on the 15th, if indeed, the hearing is still occurring at  
9 that time.

10 CHMN STAFFORD: All right. It is my  
11 optimistic hope that we will not -- we will be concluded  
12 with the hearing by the 15th. So as we get closer to  
13 that, I guess we can deal with that, but thanks for  
14 letting me know ahead of time, so it's on my radar, so we  
15 can plan accordingly.

16 MS. BENALLY: Thank you.

17 MR. CROCKETT: Chairman Stafford?

18 CHMN STAFFORD: Yes, Mr. Crockett.

19 MR. CROCKETT: I appreciate Ms. Benally  
20 raising that, because I've got the same conflict on the  
21 15th. I will have two or three items on the open meeting  
22 agenda that day, and I, too, share your optimism that we  
23 will be finished prior to the 15th. I don't want to jinx  
24 anything here, but I hope that we can get this CEC  
25 hearing wrapped up on the Monday and Tuesday of that

1 week.

2 CHMN STAFFORD: Yeah, I guess the big --  
3 the big factor for that would be whether we do the tour  
4 or not. We've got the agenda, it looks like it's about a  
5 three-hour duration. We'll see what the pleasure of the  
6 members are, but I think that this sort of tour may not  
7 be required. We were all set to go, I think, up in  
8 Flagstaff, but it turned out that with the presentation  
9 with the Google Maps you were able to present the  
10 distances that the members had questions about, so we  
11 opted forgo the tour in that matter. I think that might  
12 be the case with this as well.

13 All right. Is there anything else we need,  
14 Tod?

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

16 CHMN STAFFORD: And, Robin, do you have  
17 everybody's names and spellings that you need?

18 THE REPORTER: Yes, I do.

19 I just have one question for Ms. Benally.  
20 Did you say "POCO"?

21 MS. BENALLY: Yes, P-O-C-O.

22 THE REPORTER: Okay. Thank you.

23 MS. BENALLY: Point of change of ownership.  
24 I apologize.

25 THE REPORTER: Okay. Oh, that's okay.



1 CHMN STAFFORD: Love these acronyms.

2 All right. Thank you, everyone. With  
3 that, we are adjourned. And I will see you all on the  
4 13th.

5 (The hearing concluded at 11:18 a.m.)

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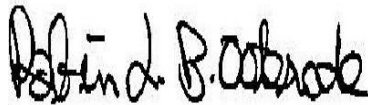
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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )  
3

4 BE IT KNOWN that the foregoing proceedings were  
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7 I CERTIFY that I am in no way related to any of  
8 the parties hereto nor am I in any way interested in the  
outcome hereof.

9 I CERTIFY that I have complied with the ethical  
10 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206  
(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this  
11 7th day of January, 2025.

12  
13 

14 \_\_\_\_\_  
15 ROBIN L. B. OSTERODE, RPR  
16 CA CSR No. 7750  
AZ CR No. 50695

17 \* \* \* \* \*

18 I CERTIFY that Glennie Reporting Services, LLC,  
19 has complied with the ethical obligations set forth in  
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21  
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23 \_\_\_\_\_  
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