

BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

LS-302

IN THE MATTER OF THE ) DOCKET NO.  
APPLICATION OF BELMONT ENERGY ) L-21234A-23-0076-00219  
CENTER, LLC, IN CONFORMANCE )  
WITH THE REQUIREMENTS OF ) LS CASE NO. 219  
ARIZONA REVISED STATUTES )  
40-360, ET SEQ., FOR A )  
CERTIFICATE OF ENVIRONMENTAL )  
COMPATIBILITY AUTHORIZING THE )  
BELMONT SOLAR PROJECT )  
GENERATION TIE LINE, WHICH )  
CONSISTS OF A NEW, )  
APPROXIMATELY 8.6-MILE-LONG, )  
500KV TRANSMISSION LINE )  
CONNECTING THE PLANNED BELMONT )  
SOLAR PROJECT LOCATED SOUTH OF )  
INTERSTATE-10 NEAR THE )  
INTERSECTION OF THOMAS ROAD )  
AND 499TH AVENUE IN )  
UNINCORPORATED MARICOPA )  
COUNTY, ARIZONA TO THE )  
EXISTING ARIZONA PUBLIC )  
SERVICE COMPANY DELANEY )  
SUBSTATION. ) EVIDENTIARY HEARING  
)

At: Avondale, Arizona

Date: May 16, 2023

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME II  
(Pages 158 through 222)

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# Evidentiary Hearing, Volume II - 05/16/2023

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1           BE IT REMEMBERED that the above-entitled and  
2           numbered matter came on regularly to be heard before  
3           the Arizona Power Plant and Transmission Line Siting  
4           Committee at Hilton Garden Inn, 11460 West Hilton Way,  
5           Avondale, Arizona, commencing at 9:03 a.m. on the 16th  
6           of May, 2023.

7  
8       BEFORE:   ADAM STAFFORD, Chairman

9           GABBY SAUCEDO MERCER, Arizona Corporation Commission  
10          LEONARD DRAGO, Department of Environmental Quality  
            (via videoconference)  
11          DAVID FRENCH, Arizona Department of Water Resources  
            R. DAVID KRYDER, Agriculture  
12          MARGARET "TOBY" LITTLE, PE, General Public  
            SCOTT SOMERS, Cities and Towns (via videoconference)

13       APPEARANCES:

14       For the Applicant:

15           CROCKETT LAW GROUP, PLLC  
16           Mr. Jeffrey Crockett  
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17           Phoenix, Arizona 85016  
18  
19  
20  
21  
22  
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24  
25

1 CHMN. STAFFORD: We're back for the hearing  
2 on Line Siting Case 219.

3 There was no public comment last night. No  
4 one showed up to make any statements.

5 Mr. Crockett, does the applicant have  
6 anything further to add?

7 MR. CROCKETT: Chairman Stafford, Committee  
8 Members, no, we don't. We've concluded with the  
9 presentation of evidence and we're ready to move on to  
10 looking at the draft CEC.

11 CHMN. STAFFORD: All right. Are you prepared  
12 to put up the Word version on the one side and the PDF  
13 version on the other side and --

14 MR. CROCKETT: Yes, we are.

15 CHMN. STAFFORD: -- start working through it?

16 MR. CROCKETT: If the technology works. I'm  
17 sure it will. Look at that.

18 CHMN. STAFFORD: All right. Excellent.

19 Well, Member Drago had an appointment this  
20 morning, and he will be available after about 10:00.  
21 So now that we're ready to review the Certificate and  
22 begin voting, I think we're going to go ahead and take  
23 a recess until he's available. And then as soon as  
24 he's ready, we'll come back and vote.

25 MR. CROCKETT: Will you be voting paragraph

1 by paragraph, as you have in the past?

2 CHMN. STAFFORD: Yes. The typical way, yes.  
3 Exactly. We like to have as many Members here as we  
4 can for it.

5 MR. CROCKETT: Will you wait to do that until  
6 he's here?

7 CHMN. STAFFORD: No. No. Yeah, he'll be  
8 here at 10:00. About 10:00 he'll be able to be  
9 available online.

10 MR. CROCKETT: Okay.

11 CHMN. STAFFORD: Member Somers, are you  
12 there? Did you hear that?

13 MEMBER SOMERS: I'm here and I heard that,  
14 yes. Thank you.

15 CHMN. STAFFORD: Okay. Great. So you know  
16 you didn't miss anything last night with the public  
17 comment, then?

18 MEMBER SOMERS: That -- yes, I heard that  
19 too.

20 CHMN. STAFFORD: Okay. Excellent.

21 MEMBER SOMERS: That's good.

22 CHMN. STAFFORD: So we're going to take a  
23 brief recess -- well, I guess not brief, but a recess  
24 until approximately 10:00, when we will have Member  
25 Drago back with us. We stand in recess. Thank you.

1 (Off the record from 9:05 a.m. to 10:21 a.m.)

2 CHMN. STAFFORD: Do we have Members Somers  
3 and Drago on the WebEx -- or, Zoom?

4 MEMBER SOMERS: I am on.

5 CHMN. STAFFORD: Can you hear us, Member  
6 Drago? We can't hear you.

7 MEMBER DRAGO: Can you hear me?

8 CHMN. STAFFORD: We can hear you now. Thank  
9 you.

10 MEMBER DRAGO: All right. Thank you.

11 CHMN. STAFFORD: Members, are you ready to  
12 discuss and vote on the CEC?

13 MEMBER LITTLE: Yes.

14 CHMN. STAFFORD: Can I get a motion?

15 MEMBER MERCER: So moved.

16 MEMBER LITTLE: Second.

17 CHMN. STAFFORD: All right. Now, the one on  
18 the left is the one that we'll be working off of,  
19 correct, Mr. Crockett? Is that the Word version?

20 MR. CROCKETT: The Word version is the left  
21 screen and the filed version is the right screen.

22 CHMN. STAFFORD: And the draft PDF is  
23 Exhibit 21, correct? No, it's -- yes, 21.

24 MR. CROCKETT: I'll tell you here.

25 CHMN. STAFFORD: Members, review the



1 introduction.

2 MR. CROCKETT: Yes, it is 21.

3 CHMN. STAFFORD: Members Fontes and Winter  
4 were not present, so --

5 MR. CROCKETT: So we'll strike those.

6 Anna is going to be our scribe for this, so  
7 she was volunteered by me. So Roman Fontes and Paul  
8 Winter we'll strike.

9 CHMN. STAFFORD: Now, we'll have to go back  
10 and fill in what the vote count was after we vote on  
11 the final CEC.

12 MEMBER LITTLE: Mr. Chairman, I move the  
13 project description.

14 CHMN. STAFFORD: What about the introduction?

15 MEMBER LITTLE: Oh. I withdraw my motion and  
16 move the introduction.

17 MEMBER FRENCH: Second.

18 CHMN. STAFFORD: All in favor.

19 (A chorus of ayes.)

20 CHMN. STAFFORD: Opposed.

21 (No response.)

22 CHMN. STAFFORD: Section A is adopted,  
23 subject to addition of the final vote tally.

24 Moving on to Subsection B, the project  
25 description. I had a quick question on this. It says

1 the project substation would occupy a roughly 30-acre  
2 site, and I think the application says a 50-acre site.  
3 But looking at the map, that doesn't seem proportional.

4 MR. CROCKETT: You know, and I'll ask  
5 Mr. Spencer to perhaps address that.

6 MR. SPENCER: Yes. Mr. Chairman and Members  
7 of the Committee, the substation will take up  
8 approximately 30 acres, and in a combination with the  
9 battery storage a total of about 50 acres.

10 MEMBER KRYDER: 50?

11 MR. SPENCER: In combination of the two. 50  
12 for the storage and substation, but for the substation  
13 alone will be approximately 30 acres.

14 CHMN. STAFFORD: All right. And then the  
15 area outlined there, that's larger than 50 acres,  
16 right? That's -- is that for the entire --

17 MR. SPENCER: That's the entire solar project  
18 of 3,100 acres.

19 CHMN. STAFFORD: Okay. So what we're not  
20 seeing is the -- so if the square in the upper right  
21 corner is the 30 acres, what's the size of the entire  
22 site?

23 MR. SPENCER: The size of the entire site is  
24 the 3,100 acres.

25 CHMN. STAFFORD: Okay.

1           MR. SPENCER: And so, yes, to your point, the  
2 red-and-black square is the approximate 30 acres.

3           CHMN. STAFFORD: Okay. And then the 50 acres  
4 is including the storage thing, but not -- not the  
5 solar array?

6           MR. SPENCER: That is correct.

7           CHMN. STAFFORD: Okay. That makes sense.

8           MEMBER LITTLE: Mr. Chairman, I move the  
9 project description now.

10          MEMBER MERCER: Second.

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

12          MEMBER FRENCH: Mr. Chairman.

13          CHMN. STAFFORD: Member French.

14          MEMBER FRENCH: I don't see any mention of  
15 the subroute that we heard testimony about. Is the  
16 route selection going to be dependent or shown on a  
17 depiction of that route?

18          CHMN. STAFFORD: My understanding is that we  
19 are looking -- we're approving the corridor -- if we  
20 approve the corridor that's on the exhibit, which is  
21 significantly large, I do think we want to add the  
22 language from -- we'll get to that. That will come  
23 down later on. I think it will be a new condition at  
24 the end. But to reference specifically that, the  
25 corridor is not exclusive, whereas the 200-foot

1 right-of-way would be. Is that correct, Mr. Crockett?

2 MR. CROCKETT: That is correct.

3 CHMN. STAFFORD: Right. So those two routes,  
4 I think what we're -- it could go in either of those  
5 sections, depending on which side of the structures  
6 that the Flood Control District ultimately approves,  
7 correct, Mr. Crockett?

8 MR. CROCKETT: Yes, Chairman Stafford. The  
9 way I look at this is what would be approved is what is  
10 shown on Exhibit A, and Exhibit A shows the preferred  
11 route with the subroute option on it, and those are  
12 both located within the corridor. And so what the  
13 Exhibit A would allow is for the applicant to opt --  
14 well, for either the preferred route or that subroute  
15 that is shown on the map, but both -- but any of the  
16 route could be moved around within the corridor that's  
17 shown in yellow on the map. And we do have -- to your  
18 point, we have brought some language we can look at  
19 that deals with the issue of locating the Gen-Tie  
20 within the corridor.

21 CHMN. STAFFORD: Yeah, I believe it was  
22 Condition 23 from the HV Sunrise, is that what it was,  
23 that case? I had the language here.

24 MR. CROCKETT: Correct. That's right.

25 CHMN. STAFFORD: The thing is, though, do we

1 want to -- do we need an Exhibit B? Because when  
2 they applied, they had this alternate route at the  
3 bottom, which is no longer under consideration. So  
4 Exhibit A --

5 I guess what's the pleasure of the Committee?  
6 I mean, remember how we did it for the UniSource line  
7 when they had several different routes? So they  
8 had Exhibit A, which showed what they had proposed, and  
9 then B was what we ultimately approved. For this  
10 one -- I mean, we could potentially do that here. But  
11 in this one, the bottom route, it's not in the  
12 corridor.

13 MR. CROCKETT: And Mr. Chairman, the way I  
14 had envisioned handling that would be that when we  
15 submit the final map that will be approved and attached  
16 to the CEC, we would eliminate that southern option  
17 that is shown on the map. We included it for purposes  
18 of this hearing so that -- well, because, A, it was in  
19 the application, and B, because we had a landowner that  
20 we'd had discussions with and told them that we would  
21 remove that route as an option, so we wanted to show it  
22 on this map as being removed. But the map that we  
23 would submit, that would be attached to the final CEC,  
24 would not show that southern option.

25 MEMBER LITTLE: Mr. Chairman, I'm in

1 agreement with that personally.

2 CHMN. STAFFORD: Member Little, yeah. So we  
3 wouldn't need an exhibit -- so it's the Committee's  
4 feeling that we wouldn't need two exhibits. Exhibit A,  
5 with the removal of the withdrawn route, would be  
6 sufficient?

7 MEMBER KRYDER: I agree.

8 MEMBER MERCER: I agree.

9 CHMN. STAFFORD: All right. So you had a  
10 motion for the description and a second, or did we pass  
11 it already?

12 MEMBER FRENCH: No, we haven't voted.

13 CHMN. STAFFORD: That's right. You had a  
14 question after the second. Do you have any other  
15 questions, Member French?

16 MEMBER FRENCH: I would be more comfortable  
17 if, at some point, it doesn't necessarily have to be in  
18 this paragraph, some language that indicates the  
19 exhibit that will show the possible routes that can be  
20 selected. Is that going to be shown later?

21 CHMN. STAFFORD: Well, this will be -- that's  
22 what this is here. I mean, if you look at the  
23 highlighted yellow portion of Exhibit 8 from the  
24 hearing -- this is the corridor, it's a significantly  
25 wide corridor.

1           MEMBER FRENCH: Right. I understand. At  
2 this point, there's no language indicating what this  
3 exhibit shows. And my question is: Do we need it?  
4 Because if memory serves me, typically in the  
5 description it will describe the route in general and  
6 it will reference the exhibit for the particular  
7 details on the route, but I could be wrong.

8           MR. CROCKETT: Well, and Chairman Stafford,  
9 Member French, if I could respond to that. Earlier in  
10 the description we do provide a description of where  
11 the proposed Gen-Tie would originate, and then it walks  
12 it through, and that description follows what we've  
13 proposed here as the route in red on our Exhibit BEC-8.

14           The only thing that -- we've got two places.  
15 There's a subroute that exists over a portion of it  
16 along either side of the Flood Control District  
17 structure. And then as we're getting into the Delaney  
18 Substation, we have two options, one coming in from the  
19 east, one from the west. So without knowing  
20 specifically what we're going to pick, we thought that  
21 we would simply reference the Exhibit A, so that people  
22 could look at Exhibit A, and that would tell the story  
23 of what the routes -- the Gen-Tie routes looked like  
24 that we proposed. But again, this notion of a  
25 corridor, we can move that route around within the

1 corridor.

2 Now, this -- where we're showing the Gen-Tie  
3 is our best estimate, at this point in the planning, of  
4 where we think that's going to go, with just a couple  
5 of variables, the one around the Flood Control District  
6 structure and then getting into the Delaney Substation.  
7 We can -- we can certainly add language to the  
8 narrative here, if that's the pleasure of the  
9 Committee, to try to clarify that.

10 MEMBER LITTLE: Mr. Chairman.

11 CHMN. STAFFORD: Yes, Member Little.

12 MEMBER LITTLE: I see where Member French is  
13 coming from, and I think that his point is valid. If  
14 you just look at Exhibit A without looking at the, you  
15 know, the description of what everything is, it would  
16 appear, and people tend to do that often, just look at  
17 the picture, it would appear that you get two lines  
18 there at one point in that section.

19 CHMN. STAFFORD: Right. I think I agree.

20 MEMBER LITTLE: And I think maybe a  
21 description of the fact that Exhibit A shows two  
22 alternative routes, only one of which -- you guys --  
23 you legal guys can come up with the language better.  
24 But I agree with Member French that --

25 CHMN. STAFFORD: It should have some more



1 descriptive language.

2 MEMBER LITTLE: I think we only need one  
3 exhibit, but I do think that it needs to be better  
4 described.

5 MEMBER FRENCH: And Chairman, I think  
6 something along the lines of -- after the sentence of,  
7 "depending on the final alignment," it can be something  
8 along the lines of, located within the corridor are two  
9 route options, and one will be eliminated upon the  
10 final determination.

11 MR. CROCKETT: Okay. So located within the  
12 corridor are two route -- or, yeah, route options,  
13 comma, and one will be eliminated at the time the final  
14 route is determined?

15 CHMN. STAFFORD: Well, I think you want to  
16 say right-of-way, because this is the route. The whole  
17 route is going to be encompassed in this -- in the  
18 corridor.

19 MR. CROCKETT: The final right-of-way is  
20 determined?

21 CHMN. STAFFORD: I think a different --  
22 different word. Because it's -- because the corridor  
23 is quite broad, and there's -- and the line can either  
24 -- I mean, it traverses south, southeast, it's going to  
25 take one of two paths on either side of the Flood

1 District structure. So looking at the map, you could  
2 build the line anywhere in that corridor, but it's got  
3 to be a 200-foot right-of-way, and you don't have  
4 exclusive rights to anything but that right-of-way, not  
5 the corridor. But the reason for the broad corridor is  
6 because there's needed flexibility because of the land  
7 you have to traverse, and then specifically at the  
8 substation -- at the Delaney Substation, because of the  
9 other number of potential -- existing and potential  
10 interties.

11 MEMBER LITTLE: Mr. Chairman.

12 CHMN. STAFFORD: Yes, Member Little.

13 MEMBER LITTLE: In my mind, it might -- the  
14 language might better be placed when -- after Exhibit A  
15 is referenced, because really what we're trying to do  
16 is explain Exhibit A here.

17 CHMN. STAFFORD: Yeah, I think that's -- I  
18 concur.

19 MEMBER LITTLE: Because we're not -- and, you  
20 know, over at the Delaney Substation and there through  
21 the floodplain are the two places where two routes are  
22 shown. Everywhere else -- that line can be moved  
23 anywhere else also, but we don't show any other places  
24 that you think it might be moved to on Exhibit A.

25 So perhaps we can say, Exhibit A shows the

1 corridor, and within that corridor two optional routes,  
2 one of which would be abandoned or eliminated, period.

3 MEMBER MERCER: Mr. Chairman.

4 MEMBER LITTLE: I don't know if that -- I  
5 don't know if that makes sense. That's just off the  
6 top of my head.

7 CHMN. STAFFORD: Yes, Member Mercer.

8 MEMBER MERCER: Let me see if I understand.  
9 Mr. Crockett mentioned something about one of the  
10 routes will be eliminated based on something --

11 MR. CROCKETT: Final selection of -- or,  
12 final engineering, final selection of the route.  
13 That's the concept, that once the right-of-way -- and  
14 maybe the reference to the right-of-way is the  
15 appropriate thing. But once we know exactly where that  
16 line is going, we want to make sure the public  
17 understands that the other one will be moot,  
18 essentially.

19 MEMBER MERCER: And is that based on some  
20 landowner or the Flood issue?

21 MR. CROCKETT: It's based on a variety of  
22 things. It's based on integrating with other solar  
23 developers in the area that have lines, it's based on  
24 working with the Flood Control District to see which is  
25 their preference, which side of that structure it would

1 be located on, and potentially perhaps some engineering  
2 issues may be involved as well. So it's that basket of  
3 things that's keeping us right now from saying exactly  
4 which option we're going to pick.

5 MEMBER LITTLE: Maybe we could say, after the  
6 word routes, optional routes, only one of which will be  
7 selected or only one of which will...

8 MR. SPENCER: Mr. Chairman and Members of the  
9 Committee, may I suggest --

10 CHMN. STAFFORD: Yes, Mr. Spencer.

11 MR. SPENCER: -- some verbiage? Maybe we can  
12 say that a final continuous alignment will be selected,  
13 with any subroutes or additional routing removed.  
14 Yeah, a single contiguous alignment or route will be  
15 selected.

16 MEMBER LITTLE: I'm glad I'm not the one  
17 sitting over there trying to type this up.

18 MR. CROCKETT: Let's see. How about if we  
19 say, within the corridor shown on Exhibit A, so we  
20 start -- start up, Anna, at the beginning before  
21 Exhibit A. Within the corridor shown on Exhibit A are  
22 alternative route options, period. When a final route  
23 is determined, the alternative route options will be  
24 moot or will be -- I don't want to say eliminated.  
25 They will be --

1           MEMBER LITTLE:   Abandoned.

2           MR. CROCKETT:   -- irrelevant or they will  
3   become -- they will be abandoned or -- that suggests  
4   that -- it's hard.

5           CHMN. STAFFORD:   I don't know.   Maybe if we  
6   say that the approved corridor will accommodate both  
7   the preferred route and the alternate --

8           MR. CROCKETT:   Or maybe it says it will  
9   accommodate either the preferred route or the  
10   alternative, but not both.

11          CHMN. STAFFORD:   Right.   And then the  
12   preferred Gen-Tie or the alternative Gen-Tie routes.

13          MR. CROCKETT:   I think Mr. Petry may have a  
14   suggestion here.

15          MR. PETRY:   If I may, Mr. Chairman.

16          CHMN. STAFFORD:   Yes, Mr. Petry.

17          MR. PETRY:   I think what Mr. Spencer  
18   indicated earlier, if we were to focus more on the fact  
19   that there will be a single alignment for the entirety  
20   of the route, as opposed to describing all the options,  
21   that might be a little more efficient for us here.  
22   Because not only do we have the subroute option, but  
23   the two interconnection options into Delaney as well.  
24   So avoiding having to describe each of those, perhaps  
25   we could focus only on the single alignment that would

1 ultimately be decided upon.

2 MEMBER SOMERS: Mr. Chair, I think that's  
3 a -- I think that's an excellent approach to this.

4 CHMN. STAFFORD: Thank you, Member Somers.

5 MR. CROCKETT: So is that language something  
6 we want to put up on the screen?

7 CHMN. STAFFORD: All right. So where -- so  
8 up to where the cursor is, do the Members like that  
9 language? So it seems like -- well, back down to --  
10 but not both. So we want to add a sentence there,  
11 Mr. Petry?

12 MEMBER MERCER: Mr. Chairman.

13 CHMN. STAFFORD: Yes, Member Mercer.

14 MEMBER MERCER: I think if we just said,  
15 preferred route or the alternative, but not both, when  
16 the final single continuous alignment and route will be  
17 selected. That way we have his wording and our  
18 wording.

19 MEMBER KRYDER: By the way, could you  
20 increase the font size just a bit, please? Thank you.  
21 A little more would be helpful.

22 MEMBER LITTLE: I think "is" instead of  
23 "would" in that last -- is selected.

24 MEMBER MERCER: Will, will be selected.

25 CHMN. STAFFORD: Or has been selected.

1           Mr. Spencer.

2           MR. SPENCER: Mr. Chairman and Members, my  
3           only concern is I understand we -- in the exhibit we  
4           have the alternate Gen-Tie, which is the one that's  
5           eliminated, and here we're saying preferred route or  
6           the alternative. I just don't want there to be any  
7           confusion there.

8           CHMN. STAFFORD: Right. So you're speaking  
9           about the --

10          MR. SPENCER: Yes, sir.

11          CHMN. STAFFORD: Well, my thought is that  
12          when we come to vote on what Exhibit A looks like, this  
13          will not be in it.

14          MR. SPENCER: Okay. Understood.

15          CHMN. STAFFORD: Would that address that  
16          concern?

17          MR. SPENCER: Yes, sir. And maybe we can  
18          relabel the preferred subroute to alternative or  
19          something. I just --

20          CHMN. STAFFORD: Right. Because basically  
21          we're authorizing you to build this line, it can go on  
22          either side of the Flood structure, and you can  
23          enter the Delaney Substation from either side.

24          MR. SPENCER: Yes, sir.

25          CHMN. STAFFORD: That's what we're approving

1 if -- assuming that we ultimately vote that way. But  
2 I'm just saying, that's what the CEC would approve. So  
3 this is discontinued, so this would not be shown on  
4 Exhibit A.

5 MR. SPENCER: Yes, sir.

6 CHMN. STAFFORD: So it's clear we're talking  
7 about this -- the line can go here or here or here or  
8 here, depending on the circumstances and the  
9 engineering and the landowner's agreeability.

10 MR. SPENCER: Yes, sir.

11 CHMN. STAFFORD: Thanks.

12 Mr. Crockett.

13 MR. CROCKETT: Could we -- and I would ask if  
14 we can add some language. When it says, when a final  
15 route is determined, the alternative route options  
16 shown on Exhibit A will be abandoned. The approved  
17 corridor will accommodate either the preferred route  
18 or, how about, an alternative.

19 MEMBER LITTLE: How about if you just say,  
20 will accommodate one route.

21 MR. CROCKETT: Will accommodate one route --

22 MEMBER LITTLE: But not both.

23 MR. CROCKETT: -- but not both, when the  
24 final single continuous alignment has been selected.

25 So, Mr. Spencer, Ms. Simons, do we have any



1     lingering concerns about that language?

2             MEMBER LITTLE:   How about, when a final  
3     route is determined, one of the two alternatives  
4     shown on Exhibit A will be abandoned.   The approved  
5     corridor will accommodate one route, but not both.   One  
6     of the two options, because that's what they're called  
7     on the   -- they're called options on the map -- or, on  
8     Exhibit A.   Does that sound too kludgy?   It's getting  
9     kind of --

10            MR. PETRY:   Mr. Chairman, if I may.

11            CHMN. STAFFORD:   Yes, Mr. Petry.

12            MR. PETRY:   Mr. Chairman, Member Little, my  
13     thinking with that would be we could potentially say,  
14     when a final route is determined, one of the two  
15     alternative options shown on Exhibit A will be  
16     abandoned.   The approved corridor will accommodate one  
17     of the identified options when the final single  
18     continuous alignment has been selected.   And the reason  
19     I would suggest that, again, is because we have the two  
20     interconnection options, as well as the subroute  
21     option.

22            CHMN. STAFFORD:   That was my thought.   I  
23     think we should be more specific when we talk about,  
24     within the corridor shown on Exhibit A are two  
25     alternative route options, and then go and describe the

1 preferred Gen-Tie line and the preferred Gen-Tie line  
2 subroute and then interconnection Option A and B, and  
3 all those options are permitted under the CEC, any  
4 combination of those --

5 MR. PETRY: Yes.

6 CHMN. STAFFORD: -- four variables.

7 MR. CROCKETT: And Chairman Stafford, I mean,  
8 I have a little different perspective on that. We have  
9 two options, sounds like the two options on either side  
10 of the Flood Control channel. We really have the two  
11 options there and then the two options into the  
12 substation.

13 CHMN. STAFFORD: Right.

14 MR. CROCKETT: So what if we said, and we  
15 won't type this right now, but when a final route is  
16 determined, the alternative option shown on Exhibit A  
17 will be abandoned. The approved corridor will  
18 accommodate one of the identified options when the  
19 final -- well, will accommodate -- the approved  
20 corridor will accommodate a final -- a single  
21 continuous alignment, or something like that.

22 MEMBER LITTLE: How about if we just -- I  
23 like the first part of the sentence that you came up  
24 with, Mr. Crockett, but how about if we just eliminate  
25 the whole part of it after the semicolon and use

1 Mr. Spencer's language about the final single  
2 continuous alignment. Do you remember what it was?

3 MR. SPENCER: Not quite. I can conjure it  
4 again, though.

5 MR. CROCKETT: We could have the court  
6 reporter read it back if we need to, if that would be  
7 helpful, Mr. Spencer.

8 CHMN. STAFFORD: Well, I think it would be  
9 helpful to go back to the sentence, within the corridor  
10 shown on Exhibit A are alternative route options. I  
11 think we should add a description of what those four --  
12 I guess there's two sections that can go two different  
13 ways, and make it clear that either of the -- any of  
14 those -- any combination of those is permissible under  
15 the CEC.

16 MEMBER LITTLE: Any combination is  
17 permissible to --

18 CHMN. STAFFORD: For the construction of the  
19 single line.

20 MEMBER LITTLE: Right. For the construction  
21 of the single continuous alignment selected. And then  
22 just --

23 MR. CROCKETT: How about any combination of  
24 which is permissible for the construction of the single  
25 continuous alignment, period, or maybe construction of

1 a single continuous alignment. When a final route is  
2 determined -- I still like -- when a final route is  
3 determined, I still would say, the alternative option  
4 shown on A will be abandoned, instead of one of the.  
5 And then do we need that final clause?

6 CHMN. STAFFORD: I still think we need more  
7 detail after the alternative route options. It needs  
8 to describe the two variables that we're talking about,  
9 the Gen-Tie line and the interconnection options. I  
10 think they should both -- it should say, the line,  
11 alternate line route, and then the alternate  
12 interconnection options.

13 MR. PETRY: Mr. Chairman, if I may.

14 CHMN. STAFFORD: Yes, Mr. Petry.

15 MR. PETRY: Thank you. I just wanted to  
16 mention that I think ultimately what is potentially  
17 being approved here is a corridor within which a  
18 200-foot right-of-way can be sited nearly anywhere,  
19 right, based on engineering -- final engineering and  
20 site conditions, et cetera. So I want to be careful  
21 not to limit what is permissible only to those options  
22 that are shown on the map now. Ultimately, we're  
23 seeking a line somewhere within this corridor. And I  
24 think we want to be careful about how we state that  
25 such that we're not limiting anything potential only to

1 those options shown on the map today. Ultimately, it's  
2 within that corridor.

3 CHMN. STAFFORD: Right. I understand what  
4 you're saying. Yeah. Because those lines, where  
5 they're drawn on the map, they may -- they can move in  
6 either direction, depending on what the circumstances  
7 of the route are.

8 MR. PETRY: Yes, sir.

9 MR. CROCKETT: And I share that concern,  
10 Mr. Chairman. I think if we're too fixated on the  
11 specific route and the options, it maybe suggests to  
12 people that that's where it's going to go and it kind  
13 of cuts against the notion of being able to have the  
14 flexibility to maneuver within the corridor.

15 MEMBER LITTLE: Would it be possible to  
16 eliminate the options and just show one --

17 CHMN. STAFFORD: Well, they have to cross on  
18 either -- they have to be -- the line is going to be on  
19 one side or the other of that Flood Control District  
20 structure.

21 MR. CROCKETT: And Chairman Stafford, Member  
22 Little, I think that, again, showing the public more  
23 information on the map is probably better. And if the  
24 map is clear, and I think it is, when we eliminate the  
25 southern preferred option on here I think people

1 looking at this and reading the legend will understand  
2 that there's two places where there's two alternatives  
3 within the corridor. Again, I'm reluctant to get too  
4 specific on addressing the actual Gen-Tie route and  
5 options, because it would detract from focusing on the  
6 corridor concept.

7 CHMN. STAFFORD: Maybe if we say, after  
8 200 feet, while Exhibit A illustrates different  
9 possible routes, the line can be built -- the single  
10 line can be built anywhere within the corridor.

11 MR. CROCKETT: How about, this -- so while  
12 Exhibit A illustrates different possible routes,  
13 this --

14 CHMN. STAFFORD: Within the corridor.

15 MR. CROCKETT: -- within the corridor, this  
16 Certificate -- and before we type this out, let me just  
17 say this -- this Certificate authorizes construction of  
18 a single continuous Gen-Tie route.

19 CHMN. STAFFORD: And interconnection.

20 MR. CROCKETT: Thoughts on that over on the  
21 other side of the room?

22 MR. SPENCER: I think that's an accurate  
23 reflection of what we're trying to get approved here,  
24 is just a single line within a corridor with the  
25 flexibility to move that line within that corridor. I

1 think that captures that accurately.

2 MR. CROCKETT: So let's try to draft some  
3 language. So where your cursor is, this Certificate  
4 authorizes the construction of a single continuous  
5 Gen-Tie --

6 CHMN. STAFFORD: And interconnection.

7 MR. CROCKETT: -- Gen-Tie and interconnection  
8 to the Delaney Substation.

9 CHMN. STAFFORD: There you go. Period.

10 MR. CROCKETT: And then everything else goes  
11 away after that.

12 CHMN. STAFFORD: Is there anything else in  
13 there that the Members think we should keep? Maybe  
14 read it here for a second before I form an opinion.

15 MEMBER LITTLE: Mr. Chairman, I think that's  
16 fine.

17 CHMN. STAFFORD: One second, please.

18 All right. I think we can stop after  
19 substation.

20 Members. Member Little, do you have thoughts  
21 on that?

22 MEMBER LITTLE: I think that's fine. Thank  
23 you.

24 MR. CROCKETT: Yeah, Chairman Stafford,  
25 that -- I'm getting the thumbs up from our side on

1     that.

2                   CHMN. STAFFORD:   Are you going to strike that  
3     gray area now?

4                   MEMBER LITTLE:   Member French.

5                   MEMBER FRENCH:   I'm just comparing it to what  
6     we had when we originally started.

7                   CHMN. STAFFORD:   Do you want to add, anywhere  
8     within that corridor, at the -- after substation.

9                   MEMBER MERCER:   Mr. Chairman.

10                  CHMN. STAFFORD:   Member Mercer.

11                  MEMBER MERCER:   I guess, for future  
12     reference, it would be better for the Committee and the  
13     public to -- if the applicant identifies the different  
14     routes. Like the last hearing that we had, we had A,  
15     B, or C. That helps us and is in writing.

16                  CHMN. STAFFORD:   Yes, I think that numbering  
17     convention of the different sections with alternate  
18     parts to it makes more sense.

19                  MEMBER MERCER:   Because I understand, you  
20     know, they don't want to close the doors on what they  
21     can do within the corridor, but it still is not clear.

22                  CHMN. STAFFORD:   Yeah. But in this  
23     situation, we are leaving it up to the applicant to  
24     decide -- well, based on the landowners and  
25     engineering, based on what else is going on in the



1 area, it's not -- because in that UniSource case you're  
2 remembering, that was -- we decided -- they had  
3 alternates, and we picked them for them.

4 MEMBER MERCER: Yes.

5 CHMN. STAFFORD: This is saying they can do  
6 either one instead of --

7 MEMBER MERCER: Okay.

8 CHMN. STAFFORD: So it's a little bit  
9 different. But I think we can make -- maybe we can --  
10 when we come to Exhibit A to adopt it, we're going to  
11 make some changes to that too that maybe can make it  
12 more clear.

13 MEMBER MERCER: Okay.

14 MR. CROCKETT: We do hear the concern about  
15 the naming, and for future we will look at that. And I  
16 think you're right, there is a better way that we can  
17 perhaps label these things so that we can talk about  
18 them at a hearing in a way that's a little easier.

19 MEMBER MERCER: Yeah. I just want it to be  
20 clear for when you made your final decision or, you  
21 know, your final -- what it's going to be built upon so  
22 it is in writing, we're eliminating route A or B.  
23 That's my --

24 CHMN. STAFFORD: Yeah. But see, because they  
25 had -- it was even more complicated when they started,

1 before they took out the straight line running across  
2 the south. Then it would have been -- you know, but  
3 we're going to remove that from Exhibit A, so that  
4 won't even be in there. So it will just be, here is  
5 the corridor that's approved, so they can build  
6 anywhere within that corridor, and here is some  
7 demonstrations of different options that can be in  
8 there, but either is permissible, because they need the  
9 flexibility to work with the Flood Control District and  
10 the utility and other entities that are trying to tie  
11 into that Delaney Substation. Because there needs to  
12 be -- because there's quite a few lines going in there  
13 now, and there's more rights-of-way that are in  
14 process.

15 MEMBER MERCER: That was my only concern.

16 CHMN. STAFFORD: Okay. But do you feel like  
17 this would -- this adequately addresses that concern  
18 and that's something you'd like to see in future cases,  
19 or is this something we need to do to the language in  
20 this document?

21 MEMBER KRYDER: Mr. Chairman.

22 CHMN. STAFFORD: Yes, Member Kryder. Please  
23 speak into the microphone.

24 MEMBER KRYDER: The underlined section up  
25 above there, I think if we would make that, located

1 within, perhaps that would work. There you go.

2 MEMBER LITTLE: Mr. Chairman, I think that --  
3 that takes care of my issues with it.

4 CHMN. STAFFORD: All right. Can I get a  
5 motion to adopt as amended?

6 MEMBER LITTLE: I so move.

7 MEMBER FRENCH: 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, the  
13 description is adopted.

14 Moving on to conditions.

15 MEMBER LITTLE: Mr. Chairman, I move  
16 Condition Number 1.

17 MEMBER FRENCH: Second.

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

19 (A chorus of ayes.)

20 CHMN. STAFFORD: Opposed.

21 (No response.)

22 CHMN. STAFFORD: Condition 1 is adopted.

23 Condition 2. I think we can accept the  
24 change from Cochise to Maricopa County.

25 MEMBER MERCER: I move Condition 2.

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 2 is  
7 adopted.

8 Condition 3.

9 MEMBER LITTLE: I move Condition 3.

10 MEMBER FRENCH: 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 3 is  
16 adopted.

17 Condition 4. I think you can go ahead and  
18 make the county change as we go through.

19 MEMBER FRENCH: Move Condition 4.

20 MEMBER LITTLE: 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 4 is

1 adopted.

2 MEMBER FRENCH: Move Condition 5.

3 MEMBER MERCER: Second.

4 CHMN. STAFFORD: And we'll remove the  
5 interconnection and the CEC reference, of course.

6 All in favor, say aye.

7 (A chorus of ayes.)

8 CHMN. STAFFORD: Opposed.

9 (No response.)

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

12 MEMBER MERCER: I move Condition 6.

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, Condition 6 is  
19 adopted.

20 Condition 7.

21 MEMBER LITTLE: Mr. Chairman, I move  
22 Condition 7, but I would like to amend it.

23 CHMN. STAFFORD: Can I get a second?

24 MEMBER KRYDER: Aye.

25 CHMN. STAFFORD: That was a second from

1 Member Kryder?

2 MEMBER KRYDER: That was a second, yes.

3 CHMN. STAFFORD: What amendments would you  
4 like to make, Member Little?

5 MEMBER LITTLE: After the first sentence, I  
6 would like to add a sentence that basically  
7 incorporates what the applicant put in their  
8 application about the Class III cultural resources. So  
9 the language that I propose is, the applicant will  
10 complete a Class III cultural resources inventory of  
11 the portions of the project area that have not been  
12 previously adequately surveyed to identify and evaluate  
13 the cultural resources that may be present.

14 MEMBER KRYDER: This is an entire sentence to  
15 be inserted between the first sentence and the second?

16 MEMBER LITTLE: Yes.

17 MEMBER KRYDER: Thank you.

18 MEMBER LITTLE: And that's just -- the reason  
19 I'm doing that is just to put into the CEC what the  
20 applicant has said they would do about historical  
21 resources.

22 CHMN. STAFFORD: I'm seeing nods and thumbs  
23 up.

24 MR. CROCKETT: I'm asking for a thumbs up  
25 over there. I see Mr. Petry, he's the one who would

1 have the opinion, the strongest opinion on this. Okay.  
2 We're good with that.

3 CHMN. STAFFORD: All right. So -- and then  
4 remove the CEC 215 at the bottom.

5 All right. It has been moved and seconded.  
6 Now can I get a moved as amended?

7 MEMBER LITTLE: I move Condition 7 as  
8 amended.

9 CHMN. STAFFORD: Do I have a second?

10 MEMBER MERCER: Second.

11 CHMN. STAFFORD: Member Mercer, you seconded?

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: Condition 7 is adopted as  
18 amended.

19 Number 8.

20 MEMBER MERCER: I move Condition 8.

21 MEMBER FRENCH: 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 8 is  
2 adopted.

3 Number 9.

4 MEMBER KRYDER: Mr. Chairman, I move  
5 Condition 9 be approved.

6 MEMBER LITTLE: Second.

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

8 (A chorus of ayes.)

9 CHMN. STAFFORD: Opposed.

10 (No response.)

11 CHMN. STAFFORD: Condition 9 is approved.

12 10.

13 MEMBER LITTLE: Move Condition 10.

14 MEMBER KRYDER: 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 10  
20 is adopted.

21 Condition 11. Now, are we to assume that the  
22 signs will be posted in the same locations they are  
23 currently?

24 MR. CROCKETT: I would assume that that's  
25 what will happen.



1           Mr. Petry, do you have a response on that, or  
2           Mr. Spencer?

3           MR. SPENCER: Yes. Mr. Chairman and Members,  
4           I would like to say that, you know, the approval  
5           specifically on the private land is by the landowner.  
6           So if they have a request for us to change that  
7           position due to farming operations or something like  
8           that, that could occur. But at this time, we  
9           anticipate the signs being in the same location.

10          CHMN. STAFFORD: Members, any thoughts,  
11          questions?

12          (No response.)

13          MEMBER FRENCH: I'll move Condition 11.

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, Condition 11  
20          is adopted.

21          Number 12. We can substitute the Maricopa  
22          for -- oh, you did it already. Excellent.

23          MEMBER KRYDER: I have a question about this,  
24          Mr. Chairman.

25          CHMN. STAFFORD: Yes, Member Kryder. Please

1 ask away.

2 MEMBER KRYDER: The question would be: A  
3 statement here that such and so is going to take place,  
4 how is this reported and managed in the event that it  
5 doesn't take place?

6 CHMN. STAFFORD: Well, the CEC will expire in  
7 10 years if nothing happens.

8 MEMBER KRYDER: No. What I mean is, this  
9 says, correct me if I'm wrong, 90 days before  
10 construction, certain things are going to take place,  
11 notifying landowners, blah, blah, blah. Okay. In the  
12 event that -- not that this would happen, or certainly  
13 no indication that it would -- that the project manager  
14 said, I just don't have time, who monitors that and how  
15 do we know that it takes place?

16 CHMN. STAFFORD: Well, the Corporation  
17 Commission will monitor it. They are -- under this,  
18 one of the conditions is that they file compliance  
19 filings annually with the Commission saying what  
20 conditions have been met, which ones haven't been met,  
21 and why. So if they -- and then it would be up to the  
22 Commission to pursue any kind of enforcement action.

23 MEMBER KRYDER: Okay. So it will be reported  
24 to the Corporation Commission and somebody will be  
25 keeping an eye that it does, in fact, take place?

1 CHMN. STAFFORD: Yes, that is my  
2 understanding.

3 Mr. Crockett, are we on the same page here?

4 MR. CROCKETT: Yeah, that's exactly right.  
5 Yeah. And just for purposes of reference, we're going  
6 to be coming up on Condition 18 in a few minutes here.  
7 That's the section that deals with the annual  
8 compliance certification.

9 MEMBER KRYDER: Right.

10 MR. CROCKETT: So I'm typically the one that  
11 ends up filing those. They get sent to me by the  
12 applicant and I file them in the docket. And it's  
13 generally in the form of a spreadsheet and it  
14 identifies condition by condition and what happened to  
15 comply with that. So, for example, on this one we're  
16 looking at, Number 12, in the first certification  
17 report that we file, which will be due, we're  
18 proposing, on August 1, 2024 -- is that right? That  
19 should probably be 2025, actually. We'll talk about  
20 that in a minute.

21 CHMN. STAFFORD: We can address that when we  
22 get to Condition 18.

23 MR. CROCKETT: I think that was a typo. But  
24 in any event, it would indicate in that -- on that item  
25 that, yes, in fact, we did notify the County on such

1 and such a date. So that would be -- so anyone would  
2 be able to monitor compliance with any of these  
3 conditions in the CEC by going to the docket.

4 MEMBER KRYDER: Thank you very much.

5 MEMBER LITTLE: Good question.

6 MEMBER KRYDER: Therefore, I move approval.

7 CHMN. STAFFORD: Second?

8 MEMBER LITTLE: Second.

9 CHMN. STAFFORD: All in favor, say aye.

10 (A chorus of ayes.)

11 CHMN. STAFFORD: Opposed.

12 (No response.)

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

15 Condition 13.

16 MEMBER LITTLE: I move Condition 13.

17 MEMBER FRENCH: 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 13  
23 is adopted.

24 Number 14.

25 MEMBER KRYDER: I move approval of Condition

1 14, Mr. Chairman.

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, Number 14 is  
8 adopted.

9 Condition 15.

10 MEMBER LITTLE: I move Condition 15,  
11 Mr. Chairman.

12 MEMBER KRYDER: 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 15  
18 is adopted.

19 Number 16.

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

22 MEMBER FRENCH: 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  
3 is adopted.

4 Number 17.

5 MEMBER LITTLE: Mr. Chairman, I move  
6 Condition 17, and then I have a question.

7 MEMBER FRENCH: Second.

8 CHMN. STAFFORD: What's your question,  
9 Member Little?

10 MEMBER LITTLE: I didn't hear any discussion  
11 of any known pipelines in the area. Are there -- do  
12 you guys know of any that are gas pipelines?

13 MEMBER KRYDER: Speak into your mic just a  
14 little more.

15 MEMBER LITTLE: I'm sorry. I didn't hear any  
16 discussion of any known pipelines in the area. Do you  
17 guys know of any? Not that it --

18 MR. PETRY: There is some natural gas  
19 pipeline infrastructure within the region. We have not  
20 mapped that. So no details on the specific pipeline  
21 infrastructure within the region, Member Little.

22 MEMBER LITTLE: Thank you.

23 CHMN. STAFFORD: So 17 has been moved and  
24 seconded. All in favor, say aye.

25 (A chorus of ayes.)

1 CHMN. STAFFORD: Opposed.

2 (No response.)

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

5 Condition 18.

6 MEMBER MERCER: I move Condition 18.

7 MEMBER FRENCH: Second.

8 CHMN. STAFFORD: All right. Now, it says  
9 August 1st, 2024. Mr. Crockett, you were saying it  
10 should have been 2025?

11 MR. CROCKETT: Yeah. I plugged in August  
12 because I was guesstimating when the Commission might  
13 approve this, and I wanted to put the first compliance  
14 out about a year -- I just didn't change the 2024. So  
15 we would recommend that it be August 1, 2025.

16 MEMBER LITTLE: Mr. Chairman.

17 CHMN. STAFFORD: Yes, Member Little.

18 MEMBER LITTLE: That's two years out, right,  
19 from when the CEC would be approved?

20 MR. CROCKETT: Yeah. What year is this? I  
21 guess you're right. So I stand corrected, it is 2024.  
22 We've been talking about Line Siting cases coming up,  
23 and I'm in the wrong year, so I -- so, yeah, 2024 is  
24 the right year. I apologize.

25 CHMN. STAFFORD: All right. So August 1st,

1 2024 in Maricopa County. It's been moved and seconded.  
2 Apparently, we don't need to amend it after all. So  
3 all in favor, say aye.

4 (A chorus of ayes.)

5 CHMN. STAFFORD: Opposed.

6 (No response.)

7 CHMN. STAFFORD: Hearing none, Condition 18  
8 is adopted.

9 Number 19.

10 MEMBER KRYDER: Approved with the  
11 modification of Maricopa for Cochise.

12 MEMBER LITTLE: 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 19  
18 is adopted.

19 Condition 20.

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

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 20  
3 is adopted.

4 21.

5 MEMBER KRYDER: Move approval, Mr. Chairman,  
6 with the modification of Maricopa for Cochise.

7 MEMBER LITTLE: Second.

8 MEMBER MERCER: Second.

9 CHMN. STAFFORD: All in favor, say aye.

10 (A chorus of ayes.)

11 CHMN. STAFFORD: Opposed.

12 (No response.)

13 CHMN. STAFFORD: Hearing none, 21 is adopted.

14 22.

15 MEMBER KRYDER: I move approval of 22,  
16 Mr. Chairman, but I'd like to speak to it if it's  
17 seconded.

18 MEMBER LITTLE: Second.

19 CHMN. STAFFORD: Take it away, Mr. Kryder.

20 MEMBER KRYDER: Okay. I'm going to direct  
21 this to Mr. Crockett. Help me understand what's going  
22 on here.

23 MR. CROCKETT: So, Chairman Stafford,  
24 Member Kryder, what's going on with this provision,  
25 this is a standard provision that's included in, I

1 think, all of the CECs that I've seen. And these  
2 projects, and perhaps not this project specifically,  
3 but sometimes these will be developed by a developer  
4 and then the project will be sold to another entity.  
5 And so what this authorizes is the assignment of the  
6 CEC to another entity, but that entity has to agree to  
7 accept all of the responsibilities of the CEC that are  
8 laid out in this -- in this Certificate, including all  
9 of the compliance items. The Arizona Corporation  
10 Commission has a form on its website that specifically  
11 is filled out when a CEC is being transferred, so it's  
12 not unusual for one to be transferred. That's not  
13 envisioned here, because NextEra keeps these projects  
14 and builds them, but that's the purpose behind that  
15 condition.

16 MEMBER KRYDER: What I don't understand --  
17 that's what I understood too when I read it. What I  
18 don't understand is, it says the current applicant  
19 sells, leases, or whatever to Party X, and Party X has  
20 a responsibility of everything that the applicant had,  
21 right?

22 MR. CROCKETT: Correct.

23 MEMBER KRYDER: But it also says then that  
24 the applicant doesn't get rid of the responsibility.  
25 Correct me if I'm wrong.

1           MR. CROCKETT: No, that's the way this reads.  
2           That's correct.

3           MEMBER KRYDER: And that's the way -- that's  
4           standard? When I sell -- when I sell a property, if  
5           I've had an easement next to my house for my neighbor  
6           to park his RV, and then I drop dead, my family sells  
7           the property, the family no longer has any  
8           responsibility because the title changed. But in this  
9           you're saying that the applicant, whatever, still has  
10          all the responsibilities, in addition to the neighbor  
11          having all the responsibilities or the new owner. Help  
12          me understand how that happens.

13          MR. CROCKETT: Well, that's the way this  
14          condition has developed and has been included in prior  
15          CECs. I would assume that this particular applicant  
16          would be happy to see that language eliminated.

17          MEMBER KRYDER: I agree. If I were his  
18          attorney, I would agree.

19          MR. CROCKETT: Yeah. But again, as we go  
20          from case to case, basically we start with the last  
21          decision and then we make whatever modifications would  
22          need to be made. Just the history of this Committee  
23          has been that once a condition is adopted, that  
24          condition tends to get carried over from case to case,  
25          unless there's a specific reason to modify it.

1           So from -- you're exactly right. From my  
2 perspective, as an attorney representing this client, I  
3 would be happy to see that language go away. But we  
4 certainly don't have any concern about the language the  
5 way it's drafted here, because the plan certainly is  
6 that we would hang onto this project and develop it.

7           MEMBER KRYDER: Thank you very much. If you  
8 don't worry about it, I don't worry about it, but it's  
9 stinky language.

10          CHMN. STAFFORD: I think it's -- does it stem  
11 from the Commission wanting to not let somebody off the  
12 hook? I mean, the way I see it is that if you sell the  
13 asset, you had to get the new owner to agree to abide  
14 by conditions. But if they don't, the Commission has  
15 recourse against that entity, and yours as well, and  
16 presumably, under your contract, any claims -- any  
17 claims upon the Commission against your entity, you'd  
18 have a claim against the successor entity. So I think  
19 it's just for more -- more --

20          MR. CROCKETT: Belt and suspenders.

21          CHMN. STAFFORD: Yeah, belt and suspenders  
22 kind of approach. It's like if we -- because what if  
23 the successor entity goes bankrupt.

24          MR. CROCKETT: Right.

25          CHMN. STAFFORD: Then they'd have no

1 recourse. They could still come after you, and that  
2 way they would be able to compel compliance.

3 MR. CROCKETT: And Chairman Stafford, I agree  
4 with that. And really, I'm not sure how much recourse  
5 this provision provides anyway. If, for example,  
6 Belmont were to sell this project to someone, I'm not  
7 sure what the Commission could do to Belmont for a  
8 violation of this condition. But I think it is -- like  
9 I said, it's belt and suspenders. It's trying to make  
10 sure that there is compliance with the conditions of  
11 these Certificates. And by leaving the original right  
12 holder under the Certificate responsible for  
13 compliance, it's just one more person to make sure it  
14 gets done.

15 CHMN. STAFFORD: I think that was the driving  
16 concern at the Commission was to make sure that  
17 compliance happens. It's less important who makes it  
18 happen, as long as it does.

19 MEMBER KRYDER: It's unethical and it's  
20 stinky language; but if you aren't worried about it, it  
21 ain't my problem. But it is unethical. If I sell  
22 something, you can't come back and claim that I need to  
23 paint it a different color.

24 MR. CROCKETT: And Chairman Stafford, Member  
25 Kryder, I would just respond -- one more thing.

1     There's no -- there's no Commission approval required  
2     to assign a CEC.

3             MEMBER KRYDER:   Right.

4             MR. CROCKETT:   You complete the form, you  
5     docket it, and --

6             MEMBER KRYDER:   Pay the money.

7             MR. CROCKETT:   -- it's done.   And so maybe  
8     this -- and I don't know how the language originally  
9     evolved, but maybe it's a recognition that because the  
10    Commission really doesn't have any say over these  
11    getting assigned, they want to hang on -- they want to  
12    keep the original certificate holder on the hook for  
13    that compliance.

14            MEMBER KRYDER:   I'll zip my lip after this.  
15    Okay.   If this is an attempt to keep the applicant, in  
16    this case Belmont, from selling it to Company X out  
17    here with some -- just to get rid of it, for whatever  
18    reason, and Company X goes bankrupt and Belmont then is  
19    on the hook, first, I consider that a violation of  
20    property and thereby unethical.   Second is, to just put  
21    more language in the law is like writing an extension  
22    on the speed limit.   It doesn't make better drivers and  
23    it doesn't make happy cops; it confuses the stinking  
24    issue.

25            And the solution to that, in this case, if

1     there's a real concern about it, have them put up an  
2     X-million-dollar bond, and a bond is a bond is a bond,  
3     and we don't have to worry about whether Belmont goes  
4     belly up or goes to wherever.

5                 Zip my lip. Okay. I'm done. But I'm glad  
6     that you don't oppose it. I certainly would for you.  
7     Go ahead.

8                 CHMN. STAFFORD: So has 22 been moved and  
9     seconded?

10                MEMBER LITTLE: Yes.

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 22  
16     is adopted.

17                And I would propose that we add a new  
18     Condition 23.

19                MR. CROCKETT: And Chairman Stafford, I've  
20     got the language here.

21                CHMN. STAFFORD: I've got it right here.

22                MR. CROCKETT: Okay. I'll hand this to our  
23     scribe and we can add that to the screen.

24                MEMBER LITTLE: Do you have copies of it for  
25     the rest of us maybe?

1 CHMN. STAFFORD: It's the language from that  
2 other CEC we discussed yesterday.

3 MR. CROCKETT: We can put it up on the screen  
4 if you'd prefer to see it there.

5 CHMN. STAFFORD: The designation of corridors  
6 in this Certificate, as shown in Exhibit A, does not  
7 authorize a right-of-way greater than 200 feet wide for  
8 the transmission line, nor does it grant the applicant  
9 exclusive rights within the corridor.

10 MEMBER LITTLE: Mr. Chairman, I'm wondering  
11 whether we should put that as Condition 18 and scoot  
12 all the rest of them down, just because 18 through the  
13 rest of them talk about compliance and sort of  
14 bookkeeping stuff. Is that too -- make things too  
15 complicated?

16 CHMN. STAFFORD: I don't know. How fast can  
17 they renumber everything?

18 MR. CROCKETT: Oh, I don't think it makes it  
19 too complicated. We can put it in wherever -- wherever  
20 the Committee would like to have it inserted.

21 CHMN. STAFFORD: We don't need the 21 on here  
22 anymore, do we? I think we addressed that.

23 MEMBER LITTLE: Yeah, I think we addressed  
24 that.

25 CHMN. STAFFORD: It's just the condition of



1 making it explicit that the corridor is not exclusive  
2 in the way the right-of-way will be.

3 MR. CROCKETT: And Chairman Stafford, we did  
4 have one suggestion to this language, which is shown on  
5 the redline on the screen. This would be one  
6 modification to that Condition 23 that was approved in  
7 Case 211.

8 CHMN. STAFFORD: All right. And I guess  
9 maybe we should just say corridor instead of plural.  
10 And then for the transmission line, like I said, not  
11 each, because it's only one. Corridor, singular, and  
12 -- there you go.

13 MEMBER LITTLE: Mr. Chairman, I move the  
14 additional condition as modified.

15 CHMN. STAFFORD: And do you want to leave it  
16 as 23 or do you want to amend it to be --

17 MEMBER LITTLE: I was going to just move that  
18 we renumber things as a second motion. Can we do it  
19 all as one?

20 CHMN. STAFFORD: Yeah. It's been moved and  
21 now it's been amended, right?

22 MEMBER LITTLE: Yes.

23 CHMN. STAFFORD: Wait. We didn't move it at  
24 all. We're just talking about it here. So we need to  
25 move it, second it, and then amend it to where you want

1 to put it.

2 Speak into the mic, please.

3 MEMBER KRYDER: Oh, sorry. Mr. Chairman, I  
4 move that the new condition be approved.

5 MEMBER FRENCH: Second.

6 CHMN. STAFFORD: Member Little.

7 MEMBER LITTLE: Mr. Chairman, I would like to  
8 amend the motion to --

9 CHMN. STAFFORD: Amend the condition?

10 MEMBER LITTLE: -- or, amend the condition,  
11 I'm sorry, to renumber it Number 18 and then  
12 renumber the remaining conditions consistent with that.

13 MEMBER FRENCH: Second.

14 CHMN. STAFFORD: All in favor of adding  
15 Condition 18 as amended, say aye.

16 (A chorus of ayes.)

17 CHMN. STAFFORD: Opposed.

18 (No response.)

19 CHMN. STAFFORD: Hearing none, new Condition  
20 18 is admitted and is inserted -- the rest of the  
21 motion was to make conforming changes to renumber the  
22 remaining paragraphs, correct, so...

23 Scroll up for a second, please. Okay. All  
24 right. Now, moving on to findings of fact and  
25 conclusions of law.

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

3           MEMBER FRENCH: 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 --  
9 Findings of Fact and Conclusions of Law Number 1 is  
10 adopted.

11           Number 2.

12           MEMBER FRENCH: Move Finding 2.

13           MEMBER MERCER: Second.

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

15           (A chorus of ayes.)

16           CHMN. STAFFORD: Opposed.

17           (No response.)

18           CHMN. STAFFORD: Finding 2 is adopted.

19           Number 3.

20           MEMBER KRYDER: Mr. Chairman, move to approve  
21 Condition 3.

22           MEMBER LITTLE: Second.

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

24           (A chorus of ayes.)

25           CHMN. STAFFORD: Finding of Fact, Conclusion

1 of Law Number 3 is approved.

2 Number 4.

3 MEMBER FRENCH: Move Finding 4.

4 MEMBER LITTLE: 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, Number 4 is  
10 adopted.

11 Number 5.

12 MEMBER MERCER: I move Finding of Fact  
13 Number 5.

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, Number 5 is  
20 approved.

21 Number 6.

22 MEMBER LITTLE: Mr. Chairman, I move Finding  
23 of Fact 6.

24 MEMBER FRENCH: Second.

25 CHMN. STAFFORD: All in favor, say aye.

1 (A chorus of ayes.)

2 CHMN. STAFFORD: Opposed.

3 (No response.)

4 CHMN. STAFFORD: Hearing none, Number 6 is  
5 approved.

6 Now let's look at -- we need to perfect  
7 Exhibit A. Are you able to do that on the fly, or do  
8 you need to take a break to make the changes to  
9 Exhibit A?

10 MR. CROCKETT: I'm not sure -- let me ask  
11 Mr. Petry. I'm not sure we can -- can we edit  
12 Exhibit A on the screen here?

13 MR. PETRY: No, we won't be able to do that  
14 in the room here today. But any proposed changes or  
15 modifications to the map can be turned around very  
16 quickly, probably within the day, those just need to be  
17 done by our GIS team.

18 CHMN. STAFFORD: All right. So with  
19 Exhibit A, you remove the --

20 MEMBER LITTLE: Mr. Chairman, I move that we  
21 remove the alternative Gen-Tie and alternative project  
22 substation from Exhibit A.

23 MEMBER MERCER: Second.

24 CHMN. STAFFORD: Any discussion?

25 (No response.)

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, Exhibit A is  
6 adopted.

7 Now, I'd also ask the Committee for a motion  
8 to allow the Chair to correct any scrivener's errors in  
9 the CEC before transmitting to the Commission.

10 MEMBER FRENCH: So moved.

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. Thank you.

17 Now we'll move on to a roll call vote for the  
18 CEC. Member Mercer.

19 MEMBER MERCER: Aye.

20 CHMN. STAFFORD: Member Drago.

21 MEMBER DRAGO: Aye.

22 CHMN. STAFFORD: Member French.

23 MEMBER FRENCH: I vote aye. And I would like  
24 to also thank the applicant and the folks that brought  
25 evidence here and testified for a quality application

1 and the flexibility to have us amend this. Thank you.

2 CHMN. STAFFORD: Member Kryder.

3 MEMBER KRYDER: Aye.

4 CHMN. STAFFORD: Member Little.

5 MEMBER LITTLE: Mr. Chairman, I also would  
6 like to thank the applicant, and in particular the  
7 technology team, for the fine job. And once again, I  
8 would like to thank the applicant for providing the  
9 exhibits that showed the substation and all of that  
10 congestion and the other solar projects in the area.  
11 That was very helpful. And with that, I vote aye.

12 CHMN. STAFFORD: Member Somers.

13 MEMBER SOMERS: I vote aye.

14 CHMN. STAFFORD: And I vote aye.

15 By a vote of seven to zero, the CEC is  
16 approved.

17 Anything further from Members?

18 (No response.)

19 CHMN. STAFFORD: The applicant?

20 MR. CROCKETT: Mr. Chairman, no, other than  
21 to express our gratitude to the Committee Members that  
22 hear the -- heard this case. We recognize that it's a  
23 great sacrifice of your time to be here. This is an  
24 important function that you serve, and we appreciate  
25 you hearing us out. And I too would like to commend

1 the audio visual team that made this hearing run so  
2 smoothly. They do great work. And so with that, we  
3 appreciate the approval of this Certificate today.  
4 Thank you.

5 CHMN. STAFFORD: Thank you. And I would like  
6 to thank Member Somers and Kryder. This is their first  
7 hearing. Welcome to the Committee, and you passed your  
8 trial by fire with flying colors. Thank you.

9 With that, we are adjourned.

10 (The hearing concluded at 11:39 a.m.)  
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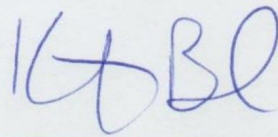
1 STATE OF ARIZONA )

2 COUNTY OF MARICOPA )

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

7 I CERTIFY that I am in no way related to any  
8 of the parties hereto nor am I in any way interested in  
the outcome hereof.

9 I CERTIFY that I have complied with the  
10 ethical obligations set forth in ACJA 7-206(F)(3) and  
11 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,  
12 Arizona, this 18th day of May, 2023.

13  
14 

15 KATHRYN A. BLACKWELDER  
16 Certified Reporter  
Certificate No. 50666

17 I CERTIFY that Glennie Reporting Services,  
18 LLC, has complied with the ethical obligations set  
19 forth in ACJA 7-206(J)(1)(g)(1) through (6).  
20  
21

22  
23 

24 GLENNIE REPORTING SERVICES, LLC  
25 Registered Reporting Firm  
Arizona RRF No. R1035