

1 BEFORE THE ARIZONA POWER PLANT AND LS-300
2 TRANSMISSION LINE SITING COMMITTEE
3

4 IN THE MATTER OF THE) DOCKET NO.
5 APPLICATION OF BELMONT ENERGY) L-21234A-23-0076-00219
6 CENTER, LLC, IN CONFORMANCE)
7 WITH THE REQUIREMENTS OF) LS CASE NO.
8 ARIZONA REVISED STATUTES) 219
9 40-360, ET SEQ., FOR A)
10 CERTIFICATE OF ENVIRONMENTAL)
11 COMPATIBILITY AUTHORIZING THE)
12 BELMONT SOLAR PROJECT)
13 GENERATION TIE LINE, WHICH)
14 CONSISTS OF A NEW,)
15 APPROXIMATELY 8.6-MILE-LONG,)
16 500KV TRANSMISSION LINE)
17 CONNECTING THE PLANNED BELMONT)
18 SOLAR PROJECT LOCATED SOUTH OF)
19 INTERSTATE-10 NEAR THE)
20 INTERSECTION OF THOMAS ROAD)
21 AND 499TH AVENUE IN)
22 UNINCORPORATED MARICOPA)
23 COUNTY, ARIZONA TO THE)
24 EXISTING ARIZONA PUBLIC)
25 SERVICE COMPANY DELANEY)
SUBSTATION.) PREHEARING CONFERENCE
_____)

At: Phoenix, Arizona

Date: May 9, 2023

Filed: May 11, 2023

REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Pages 1 through 19)

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1 (No exhibits were marked.)

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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, commencing at 3:00 p.m. on the 9th of May,
5 2023, with all participants appearing via
6 videoconference.

7
8 BEFORE: ADAM STAFFORD, Chairman

9 APPEARANCES:

10 For the Applicant:

11 Jeffrey Crockett, Esq.
12 CROCKETT LAW GROUP, PLLC
2198 East Camelback Road, Suite 305
13 Phoenix, Arizona 85016

14
15 ALSO PRESENT:

Clinton Spencer, NextEra Energy Resources
16 Alex Simons, NextEra Energy Resources
Tracy Davis, NextEra Energy Resources
17 David Brown NextEra Energy Resources
Anna Glanis, NextEra Energy Resources
18 Devin Petry, SWCA
Colin Agner, SWCA
19 Tod Brewer, Assistant to Chairman Stafford

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1 CHMN. STAFFORD: Now is the time set for the
2 prehearing conference for Belmont Solar Project's
3 application, Line Siting Case 219.

4 I'll take appearances, please.

5 MR. CROCKETT: Good afternoon, Chairman
6 Stafford. This is Jeff Crockett. I'm appearing on
7 behalf of the applicant, Belmont Energy Center, LLC.

8 And I'm looking online to see who is with me.
9 We've got, let's see, Clinton Spencer, Tracy Davis,
10 David Brown, Anna Glanis, who are with NextEra Energy.
11 We've got Devin Petry and Colin Agner, who are with
12 SWCA. And I think I got everyone. I don't know if I
13 mentioned David Brown, but he's on as well. So I think
14 that's our team for today.

15 MR. SPENCER: And Alex, Jeff.

16 MS. SIMONS: Hi, Jeff.

17 MR. CROCKETT: Oh, Alex is here as well.

18 CHMN. STAFFORD: And Alex and David, they are
19 with?

20 MR. CROCKETT: They're with Belmont Energy
21 Center. Alex and Clinton are the project leads on
22 this.

23 CHMN. STAFFORD: Okay. Let's see. So you've
24 made the lodging arrangements for the Committee Members
25 in Avondale for the hearing?

1 MR. CROCKETT: Yes. Chairman Stafford, the
2 hearing is going to be held at the Hilton Garden Inn in
3 Avondale. As you are well aware, we had a changing of
4 the guard somewhat in the middle of this, and the
5 deadline had passed to make hotel reservations. Well,
6 we're still able to make hotel reservations, but after
7 the -- the deadline came and went before the new
8 Committee Members were appointed. So I don't know how
9 that's going, but they certainly can call and make a
10 reservation under the Belmont Energy Center reservation
11 and that will be -- the cost of the rooms will be
12 picked by the applicant.

13 CHMN. STAFFORD: All right. And I haven't
14 seen any applications to intervene.

15 MR. CROCKETT: There have not been any. I
16 know we are interconnecting at the APS Delaney
17 Substation. I've talked to Linda Benally; she's told
18 me that APS will not be participating in this hearing.
19 And that's really -- that was one that we thought
20 might, but they're not, so we're not aware of any other
21 intervenors.

22 CHMN. STAFFORD: And today is the deadline
23 for that, so it seems unlikely.

24 And then -- so you're in agreement that
25 September 27th, 2023 is the time limit for the

1 Committee to act under the statute?

2 MR. CROCKETT: Yes. I checked that out
3 myself. That's accurate.

4 CHMN. STAFFORD: All right. And have you
5 complied with the notice to the affected jurisdictions
6 as required with the procedural -- I believe you filed
7 that yesterday or today?

8 MR. CROCKETT: Yeah. We actually filed a
9 certification that we had complied with the noticing
10 requirements. That was probably done a couple of weeks
11 ago in the docket. But, yeah, we have notified the
12 affected jurisdictions by certified mail, we've posted
13 signs along the proposed Gen-Tie route, we have sent
14 letters to landowners within the area, and we've
15 published notice in local newspapers.

16 CHMN. STAFFORD: And the thing I haven't seen
17 is the affidavit from the newspaper or something
18 stating that the notices were published in the
19 statutory time frame. I'm assuming that you will
20 present that at the hearing, correct?

21 MR. CROCKETT: Yes, we will. And I can
22 attest that they were -- the notices were published
23 within the appropriate time period.

24 CHMN. STAFFORD: Okay. And then the -- and
25 the signs, those are the six locations we discussed at

1 the prehearing conference, correct?

2 MR. CROCKETT: That -- that is correct, but I
3 did not actually do the sign posting. I'll just ask
4 maybe Devin Petry to confirm that that's correct.

5 MR. PETRY: Yes. Thank you, Mr. Crockett.

6 Mr. Stafford, four of the six sign locations
7 we had identified at the prefiling conference have had
8 signs installed. There are two locations on Flood
9 Control District land where we had not received
10 permission and the necessary permit to install those
11 signs until just today, and so those signs have not
12 been installed, those two on Flood Control land. But
13 four other locations have been, and that includes
14 private and Arizona State Land Department land.

15 CHMN. STAFFORD: I guess you'll be putting
16 those up sometime this week before the hearing?

17 MR. PETRY: Well, Mr. Stafford, we were
18 planning on doing our best to get those signs up this
19 week. The sign contractor, now that we have that
20 permit in hand, has not yet confirmed that they can get
21 that done this week. In our prior conference I think
22 what we'd indicated is that we would do our best to
23 make sure that all of those sign locations are met and
24 that signs are installed in those places. And just
25 because of the lengthy permitting timeline for

1 accessing and being granted permission on Flood
2 Control, we were not able to meet that. But if it's
3 your preference and suggestion that we still pursue
4 placement of those signs this week, prior to next
5 week's hearing, then we will pursue that.

6 CHMN. STAFFORD: Yeah, I think it would be
7 good just to get them up if you can.

8 MR. PETRY: You bet.

9 CHMN. STAFFORD: So we've covered all the
10 affected jurisdictions. Let me see. We've got the
11 County, Maricopa County, Department of Transportation,
12 Flood Control District, State Land Department, and the
13 Harquahala Valley Irrigation Diction, those are all the
14 affected jurisdictions?

15 MR. CROCKETT: That's correct. And they all
16 received a certified copy of the notice, the procedural
17 order, and the agenda for the hearing.

18 CHMN. STAFFORD: Excellent. And the agenda,
19 there's no issues with the agenda --

20 MR. CROCKETT: No.

21 CHMN. STAFFORD: -- from the applicant's
22 perspective?

23 MR. CROCKETT: No. I've reviewed the agenda;
24 there are no issues with it.

25 CHMN. STAFFORD: Okay. And do we anticipate

1 this hearing will last more past Tuesday?

2 MR. CROCKETT: You know, that's a great
3 question. I would have said no before, but we've got,
4 what, five new Line Siting Committee Members and
5 they'll be on a learning curve, they'll probably have
6 more -- I could see them having more questions than
7 usual or I could see them kind of waiting to see how
8 this goes and not having many questions.

9 So I think the biggest determining factor
10 will be if the Committee votes to do a tour. If we
11 have a tour, it may be a little tight to get done on
12 Tuesday; if we don't have a tour, I think we will
13 definitely be done on Tuesday.

14 And on the topic of a tour, as part of our
15 filing yesterday we filed a proposed itinerary and a
16 route map of a tour. I think that probably to do that
17 tour round trip we're looking at about three hours.

18 CHMN. STAFFORD: Okay. Yeah, I read that. I
19 saw that was what it said.

20 So the venue is all set up, ready to go, your
21 AV team is going to have everything in place?

22 MR. CROCKETT: Yes.

23 CHMN. STAFFORD: And then I don't anticipate
24 any public comment, but I assume that we will have
25 sign-in forms for public comment should anyone show up?

1 MR. CROCKETT: Yes, we will bring a -- we
2 will have a sign-in sheet for the public comment.

3 CHMN. STAFFORD: And would the -- the one
4 thing I ask about that is, please have like a check
5 this box if you wish to speak. Because I've been in
6 situations before where they just came in and just
7 filled it out and didn't intend to speak because they
8 didn't specifically ask that question. And so when I
9 called on them they were like, well, I hadn't planned
10 to say anything, but now that I'm up here I'm going to
11 use my three minutes. So if they don't wish to speak,
12 then I'll just read their name that they showed up for
13 the comment period but didn't have to say anything.

14 MR. CROCKETT: Okay. We'll make sure we have
15 a column to check whether they want to speak or not.

16 CHMN. STAFFORD: All right. And then it's
17 business casual attire for the hearing.

18 MR. CROCKETT: That's a tough one for me.
19 It's all those years at Snell & Wilmer.

20 CHMN. STAFFORD: You're free to wear a tie if
21 you'd like, but it's not required.

22 MR. CROCKETT: Okay. Fair enough.

23 CHMN. STAFFORD: And do we have any other
24 issues for the hearing?

25 MR. CROCKETT: I don't -- Chairman Stafford,

1 I wanted to ask you, as far as bringing notebooks to
2 the hearing, we will have the tablets, the electronic
3 tablets loaded with the exhibits, the application and
4 the exhibits. We had -- we would certainly bring one
5 hard copy binder. Do you see a need to bring more than
6 that, more than one hard copy to have present at the
7 hearing?

8 CHMN. STAFFORD: For the exhibits? Yeah, I
9 would bring two, one for me and then one for the court
10 reporter.

11 MR. CROCKETT: Okay.

12 CHMN. STAFFORD: Because we'll keep a hard
13 copy in our file here at the end of the day and then
14 the court reporter wants a hard copy.

15 MR. CROCKETT: Okay. We'll have -- yeah,
16 we'll definitely have a copy for the court reporter.
17 Those probably won't be in a three-ring binder, unless
18 that's your preference or Kathryn's preference. I
19 would typically just have those loose.

20 CHMN. STAFFORD: I'll take mine in a binder,
21 but I'll leave it up to the court reporter to decide
22 whether they -- I don't think they need a binder, do
23 they?

24 MR. CROCKETT: She's shaking her head no.

25 So we'll have one set for the court reporter,

1 a binder for you, and that should be sufficient, then?

2 CHMN. STAFFORD: Yes.

3 MR. CROCKETT: Okay. And then the only other
4 comment I had is just to give you a heads up that the
5 route map that we proposed with our filing had the
6 preferred route and then a southern alternative route.
7 In talking to the landowner that would be impacted by
8 that southern route, we have elected to take that off
9 the table. So what we'll be proposing is just the
10 northern route with a corridor that's highlighted in
11 yellow on the map. So I just wanted to let you -- or,
12 make you aware of that ahead of the hearing.

13 CHMN. STAFFORD: Okay.

14 MR. CROCKETT: The map -- and let me just
15 double-check. The map that I filed yesterday with the
16 draft CEC, it still shows the -- it shows the southern
17 alternative route, but in parenthesis it says
18 "eliminated." We did that because we wanted to be able
19 to show the landowner that we have taken that route off
20 the table. I envision that when we provide the map
21 that will go -- assuming a CEC is approved here, the
22 map that would be attached to the CEC will not show
23 that southern alternative route. That will be
24 eliminated when we get to the final map.

25 CHMN. STAFFORD: That's the section that's in

1 green there, right, instead of the blue?

2 MR. CROCKETT: Well, I'm not sure which map
3 you're looking at. I'm looking at the one we filed
4 yesterday.

5 CHMN. STAFFORD: Yeah, me too.

6 MR. CROCKETT: And it's the route that runs
7 along Thomas Road.

8 CHMN. STAFFORD: Yeah, that's the green
9 section that goes around and comes in from the east, as
10 opposed to blue that just goes north and in from the
11 west.

12 MR. CROCKETT: Well, yeah, this runs straight
13 east and west along Thomas Road, and that will be
14 eliminated -- or, that has been eliminated as an
15 option.

16 And then, Chairman Stafford, last question
17 for you is: What are you anticipating with respect to
18 the new Members on the Line Siting Committee? Have any
19 sense for whether they're -- whether the presentation
20 we'll make would be any deeper than normally we would
21 make at a Line Siting hearing?

22 CHMN. STAFFORD: I have no expectations at
23 all. You know, they could be very involved, they could
24 be very just reserved out the gate. I have no idea.
25 We'll find out very soon, and I guess we'll be seeing a

1 lot of them going forward, but I have no idea of what
2 to expect at this point.

3 MR. CROCKETT: Okay. This is the first
4 hearing with these new Members, is that right?

5 CHMN. STAFFORD: Yes, it is. Yes.

6 MR. CROCKETT: Okay. Well, we're prepared to
7 go into as much detail as anyone would like to about
8 the application.

9 CHMN. STAFFORD: So I guess there's -- the
10 exhibits, you'll all provide them at the hearing. Like
11 we said, we'll have two hard copies, one for me, one
12 for the reporter, mine in a binder, and then everything
13 else will be available on tablets for the Members.
14 They'll all be numbered BEC sequentially?

15 MR. CROCKETT: Right.

16 CHMN. STAFFORD: I got your witness summaries
17 of testimony.

18 You eliminated the one segment. Yeah, it's
19 easier to eliminate a segment from consideration than
20 to add a new one after the notice.

21 MR. CROCKETT: Yes, that's true. And we did
22 -- I think I mentioned, but we did file a draft of the
23 proposed CEC with our materials yesterday.

24 CHMN. STAFFORD: Yes.

25 Now, you paid the filing fee, right?

1 MR. CROCKETT: Yes.

2 CHMN. STAFFORD: And what was the amount, was
3 it a thousand dollars?

4 MR. CROCKETT: Yes, it's \$1,000.

5 CHMN. STAFFORD: As you know, the Commission
6 is obligated by the statute to pay the cost of
7 reporting and transcribing the hearing, as well as the
8 actual necessary expenses of the Committee Members in
9 connection with the Committee at the hearings, the
10 meetings, from the filing fee and, if the cost and fees
11 exceed the amount of the fee, can, with the applicant's
12 consent, be incurred by the Committee and charged to
13 the applicant. Does the applicant consent to pay the
14 Commission those costs in excess of the filing fee?

15 MR. CROCKETT: Yes. And Chairman Stafford,
16 we met with -- Devin Petry and I met with Nancy
17 Lawrence at the Commission when we filed the
18 application and made arrangements and gave her contact
19 information to get that thousand-dollar deposit
20 replenished as needed to make sure that there's money
21 to pay the expenses of the Commission. As far as the
22 accommodations for the rooms, those will be billed
23 directly to the applicant, so the Members won't have to
24 pay that. But as far as the per diem, mileage, meals,
25 incidentals, those things will come out of the money

1 that it's provided to the Commission. We're making
2 sure that we're on top of that.

3 CHMN. STAFFORD: Excellent. Great. Thank
4 you so much.

5 Permit statuses. Is there anything required?
6 I know you'll have to get -- comply with the statutes
7 for crossing State land. Is the County -- do you need
8 a permit from the County or is this an accepted use?

9 MR. CROCKETT: Let me -- let me see if either
10 Clinton or Alex want to tackle that one for me.

11 MR. SPENCER: Yes, I'll take it.

12 Mr. Chairman, we do have to go through the
13 rezoning process for the -- not necessarily for the
14 Gen-Tie that is in this application, but for the
15 project that the Gen-Tie will support, and then we'll
16 have the necessary building permits through the County
17 as well.

18 CHMN. STAFFORD: Okay. And then what about
19 the Flood District?

20 MR. SPENCER: Flood District as well. So
21 that applies to both the solar project that the Gen-Tie
22 will support and then we have to go through the
23 applicable right-of-way application with the Flood
24 Control District for the portions of the land that that
25 Gen-Tie crossed in that Flood Control District.

1 CHMN. STAFFORD: Okay. Are you going to have
2 a legal description of the location of the transmission
3 line in the CEC?

4 MR. CROCKETT: We do not have a legal
5 description. We generally describe the route of the
6 Gen-Tie. But as you can see, we have a corridor that's
7 got dimensions on it. As we finalize the siting of
8 that line, we're looking for flexibility to move it
9 around as needed within that corridor. So we've tried
10 to provide a general description of approximate
11 distances and directions that that line goes as it
12 makes its way toward the Delaney Substation.

13 CHMN. STAFFORD: Sorry. Back to the permits.
14 You said those are all in the process, they've been --
15 have you filed the applications for the permits and
16 they're in the process of being evaluated by the County
17 and the Flood District?

18 MR. SPENCER: Yes, Mr. Chairman. We've had
19 the initial meeting with the Flood Control District and
20 for the County. The actual -- the initial meeting to
21 discuss that application is on the 16th, so the second
22 day of the CEC hearing.

23 CHMN. STAFFORD: And then what about State
24 Land Department, you got -- is it an easement, a lease?

25 MR. SPENCER: It will be a right-of-way just

1 similar to the Flood Control District for the Gen-Tie,
2 and we've submitted the appropriate application there
3 and had a few successive meetings with the State Land
4 Department with that as well.

5 CHMN. STAFFORD: Well, I think that's
6 everything I have. Do you have any other questions or
7 concerns we need to address? Otherwise, I think we're
8 ready to start this on Monday.

9 MR. CROCKETT: Right. I do not have anything
10 else.

11 CHMN. STAFFORD: Tod, is that -- do we need
12 anything else?

13 MR. BREWER: I don't believe so,
14 Mr. Chairman. Thank you.

15 CHMN. STAFFORD: Okay. Well, thank you very
16 much. Looks like we are done. I will see you all on
17 Monday, the 15th.

18 MR. CROCKETT: Great. Thank you.

19 CHMN. STAFFORD: We're adjourned. Thanks.

20 (The prehearing conference concluded at
21 3:20 p.m.)

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1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

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4 BE IT KNOWN that the foregoing proceedings
5 were taken before me; that the foregoing pages are a
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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,
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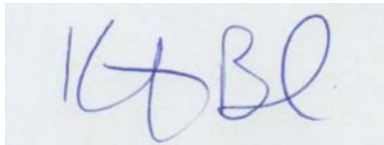
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