

1 BEFORE THE ARIZONA POWER PLANT LS-379  
2 AND TRANSMISSION LINE SITING COMMITTEE  
3 IN THE MATTER OF THE APPLICATION OF ) DOCKET NO.  
EAGL, LLC, IN CONFORMANCE WITH THE ) L-21323A-24-0209-  
4 REQUIREMENTS OF ARIZONA REVISED ) 00236  
STATUTES § 40-360, ET SEQ., FOR A )  
5 CERTIFICATE OF ENVIRONMENTAL ) LS CASE NO. 236  
COMPATIBILITY PREFILING CONFERENCE )  
6 AUTHORIZING THE EAGLE EYE SOLAR )  
GENERATION TIE LINE PROJECT, )  
7 LOCATED IN LA PAZ COUNTY, ARIZONA ) PREHEARING  
CONFERENCE

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9  
10 At: Phoenix, Arizona  
11 Date: October 3, 2024  
12 Filed: October 8, 2024

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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 (Pages 1 through 12)  
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24 By: Robin L. B. Osterode, CSR, RPR  
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## INDEX TO EXHIBITS

NUMBER	DESCRIPTION	ADMITTED
Exhibit 1	Public Outreach Summary	6

1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Corporation Commission, 1200 West Washington  
4 Street, Phoenix, Arizona, commencing at 2:00 p.m. on  
5 October 3, 2024. All parties attended via  
6 videoconference.

7

8 BEFORE: ADAM STAFFORD, Chairman

9

For the Applicant:

10

ALBERT H. ACKEN

11

Acken Law

111 East Dunlap Avenue, Suite 1-172

12

Phoenix, Arizona 85020

13

Also Present:

14

Erik Ellis, BrightNight Power

Adam Furman, BrightNight Power

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Josh Hohn, Tetra Tech

Maya Lewis, Tetra Tech

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Laura Megill, Tetra Tech

Tod Brewer, Assistant to Chairman Stafford

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1 CHMN STAFFORD: Now's the time set for the  
2 prehearing conference in the application of Eagle Eye  
3 Solar, Line Siting Case L-21323A-24-0209-00236 or Line  
4 Siting Case 236. Let's start with appearances,  
5 Mr. Acken.

6 MR. ACKEN: Good afternoon, Mr. Chairman.  
7 Bert Acken of Acken Law, on behalf of the applicant EAGL,  
8 LLC. With us this afternoon are Erik Ellis and Adam  
9 Furman of BrightNight, associated with the applicant.  
10 Also with us, Maya Lewis, Laura Megill, and Jeff [sic]  
11 Hohn of Tetra Tech, who have handled the environmental  
12 resource policies for this project.

13 CHMN STAFFORD: All right. Thank you.

14 Now, you've got the same lodging  
15 arrangements for this hearing as you do for the 235 at  
16 the Embassy Suites in midtown, correct?

17 MR. ACKEN: We do. And thank you for the  
18 Tetra Tech team for organizing and running point on that.

19 CHMN STAFFORD: All right. And there have  
20 been no requests to intervene in this matter, correct?

21 MR. ACKEN: Correct. I did have a  
22 conversation before we ever filed the application with an  
23 individual who had expressed interest in participating.  
24 I sent him, via certified mail a copy of the notice of  
25 hearing, and I have not heard anything further from him,

1 so at this point I don't think he's going to participate.  
2 He certainly hasn't reached back out to me since that  
3 very early communication.

4 CHMN STAFFORD: Okay. And, Mr. Acken, you  
5 agree that March 2nd, 2025, is the time limit for the  
6 Committee to act under the statute?

7 MR. ACKEN: Yes. Thank you.

8 CHMN STAFFORD: Now, the applicants  
9 complied with the statute and provided notice to the  
10 affected jurisdictions, correct? And that is La Paz  
11 County?

12 MR. ACKEN: That's correct, Mr. Chairman.  
13 Notice has been provided to them by docket control. We  
14 filed a notice of affected jurisdiction, and then they  
15 sent that notice and received certified mail back from La  
16 Paz County.

17 CHMN STAFFORD: Right. And the applicants  
18 complied with the posting requirements, I think you were  
19 going to do this in the AZ Republic and the Parker  
20 Pioneer?

21 MR. ACKEN: That was the original plan. We  
22 ran into some challenges with the local paper, you know,  
23 those weekly papers can just be difficult to meet the  
24 time frames we have to. So we ended up publishing twice  
25 in the Republic on September 11th and September 12th.

1 CHMN STAFFORD: Are there any objections or  
2 additions to the agenda?

3 MR. ACKEN: None whatsoever.

4 CHMN STAFFORD: Okay. And you've got an  
5 exhibit for this matter you've emailed to us?

6 MR. ACKEN: Yes, Mr. Chairman. That's the  
7 Public Outreach Summary, a starting point, if you will,  
8 of a number of the public outreach activities that we  
9 conducted. I would like to offer that as Prehearing  
10 Exhibit 1. We will have a supplement, final version of  
11 that as a hearing exhibit, but I'd like to add this as a  
12 prehearing exhibit as well.

13 CHMN STAFFORD: Right. It's admitted.

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

15 CHMN STAFFORD: All right. So the  
16 hearing's set. We're going to start this one at 1:00 on  
17 the 16th, right?

18 MR. ACKEN: That's correct.

19 CHMN STAFFORD: All right. And that will  
20 be at the Commission. I think we're in Hearing Room 2.  
21 You've got with the Commission Staff over there and  
22 they're ready for your presentation, and you'll have all  
23 that set up to go?

24 MR. ACKEN: We will, yes. Spoken with  
25 Mike, and full coordination there.

1 CHMN STAFFORD: Okay. And you'll have the  
2 sign-in forms for public comment, correct?

3 MR. ACKEN: We will.

4 CHMN STAFFORD: And then we're doing that  
5 at 5:30 that Wednesday evening?

6 MR. ACKEN: (No audible response.)

7 CHMN STAFFORD: Now, for the exhibits, for  
8 this one are you doing tablets, are you going to do hard  
9 copies, what was your thought on that for this one?

10 MR. ACKEN: We're actually going to use the  
11 same tablets. So I really want to express my  
12 appreciation to both applicants, as well as their  
13 resource teams, for working together, coordinating. So  
14 we'll be able to -- the Committee members, we'll have ten  
15 tablets for them, and we'll have these exhibits uploaded,  
16 probably will do that the afternoon of the 15th, but  
17 they'll have -- they will be on those tablets, and we'll  
18 have a handful of hard copies of all exhibits as well.  
19 Again, for the court reporter, for you, and a couple  
20 extra.

21 CHMN STAFFORD: Excellent. So we'll be  
22 doing a virtual tour only for this one?

23 MR. ACKEN: Yes. Again, this one might be  
24 even harder to get to than the other. This isn't off of  
25 the I-10, so we've got a really I think it's an excellent

1 virtual tour, something that's a little different, and as  
2 well as a lot of photos as well from the area that give a  
3 great visual representation of the area.

4 CHMN STAFFORD: All right. And then, so  
5 attire for the hearing will be business casual. Since  
6 there are no parties, you didn't have to exchange  
7 exhibits or anything. We've got -- the witness summaries  
8 have been filed. You've made the financial arrangements  
9 with the Commission Staff?

10 MR. ACKEN: Yes, we have.

11 CHMN STAFFORD: But we have not yet  
12 received Staff's response to the letter about the  
13 project, my letter to them about the project, correct?

14 MR. ACKEN: That's correct. Again, we sent  
15 discovery back to them, I believe it was Monday the 23rd,  
16 so we have System Impact Study results, should be in good  
17 shape for this one. Again, I think it's a function of  
18 this prehearing being a little early, at my request, for  
19 the reason why we don't have that letter from Staff just  
20 yet.

21 CHMN STAFFORD: Okay. Yeah, they'll  
22 probably get it in the docket next week, I would expect.  
23 We've got your proposed CEC. Now, this one is on BLM  
24 land?

25 MR. ACKEN: That's correct. The entire



1 gen-tie, as well as the associated generation facility  
2 are on BLM land.

3 CHMN STAFFORD: And have you begun the NEPA  
4 process? I think that's, if I recall, it's like scoping  
5 was going to start shortly after -- well, between -- it  
6 was after the prefiling conference, I think you mentioned  
7 the scoping being -- the scoping to start.

8 MR. ACKEN: I say the process has begun.  
9 We'll present testimony, as far as specific milestones.  
10 And just recently BLM provided notice that they're  
11 withdrawing this area and a couple others for federal  
12 entry, while the application's processed. So it's moving  
13 forward in the BLM process. And we'll provide testimony  
14 as to that effect.

15 Because it's on BLM land, we don't have  
16 a -- there's no county entitlements or any others, it's  
17 just a federal one. And then, of course, there is the  
18 WAPA interconnection, but we have the System Impact Study  
19 from WAPA.

20 MR. ELLIS: You know, Bert, I'm going to --  
21 this is Erik Ellis -- I'm going to just add one item.  
22 I'm sure the Committee and I'm sure the Chair is familiar  
23 with this, but even though we haven't officially started  
24 the public scoping, we have been working on this project  
25 and with the BM for multiple years. And so there just

1 has been a tremendous amount of study work that's been  
2 done, which you'll see when we get to the witness portion  
3 of the hearings, so yeah.

4 CHMN STAFFORD: All right. And you'll  
5 probably just have the tablets for the members. Are  
6 there any other issues we need to cover?

7 MR. ACKEN: I don't have anything on my  
8 list. I'd ask my team if I've misspoke or missed  
9 anything, chime in.

10 CHMN STAFFORD: Oh, the signs?

11 MR. ACKEN: Oh, yes. We did post two  
12 signs. Those signs were posted on September 26th, so  
13 yes. We hit the 20-day time frame on the number.

14 CHMN STAFFORD: You said September 26th?

15 MR. ACKEN: That's correct.

16 CHMN STAFFORD: Excellent all right. Well,  
17 I think that covers everything.

18 Tod, is there anything else we need?

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

20 CHMN STAFFORD: How about you, Robin, do  
21 you have everything you need?

22 THE REPORTER: Yes, I do. Thank you.

23 CHMN STAFFORD: All right. Well, thank you  
24 all very much. We will see you in a couple of weeks.

25 MR. ELLIS: We look forward to it. Thank

1 you so much.

2 CHMN STAFFORD: Thanks. With that, we're  
3 adjourned.

4 (The hearing concluded at 2:11 p.m.)

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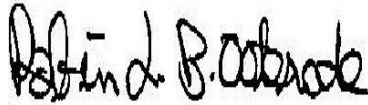
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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )  
3

4 BE IT KNOWN that the foregoing proceedings were  
5 taken before me; that the foregoing pages are a full,  
6 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 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  
11 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this  
7th day of October, 2024.

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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  
ACJA 7-206(J)(1)(g)(1) through (6).

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