

1 BEFORE THE ARIZONA POWER PLANT LS-504  
2 AND TRANSMISSION LINE SITING COMMITTEE  
3  
4 IN THE MATTER OF THE APPLICATION )DOCKET NO.  
5 OF EAGL, LLC, IN CONFORMANCE )L-21323A-26-0244-00263  
6 WITH THE REQUIREMENTS OF )  
7 ARIZONA REVISED STATUTES § 40-360,)CASE NO. 263  
8 ET SEQ., FOR A CERTIFICATE OF )  
9 ENVIRONMENTAL COMPATIBILITY )  
10 AUTHORIZING THE EAGLE EYE )  
11 THERMAL PLANT AND GEN-TIE )  
12 PROJECT, LOCATED IN LA PAZ )PREFILING CONFERENCE  
13 COUNTY, ARIZONA )

11 At: Phoenix, Arizona  
12 Date: June 10, 2026  
13 Filed: June 25, 2026

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 (Pages 1 through 21)

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INDEX TO EXHIBITS

NO.	DESCRIPTION	IDENTIFIED	ADMITTED
PFC-1	Overview map and sign locations	4	5
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1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Power Plant and Transmission Line Siting  
4 Committee, commencing at 1:30 p.m. on June 10, 2026,  
5 with all participants appearing via videoconference.

6

7 BEFORE: ADAM STAFFORD, Chairman

8

APPEARANCES:

9

For the Applicant:

10

Albert Acken  
ACKEN LAW  
111 East Dunlap Avenue, Suite 1-171  
bert@ackenlaw.com

11

12

13 Also present:

Tod Brewer, Assistant to Chairman Stafford  
Adam Furman, BrightNight  
15 Kaylan Lamb, KPE  
Kevin Martin, BrightNight  
16 Kenda Pollio, KPE

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1 CHMN STAFFORD: Let's go on the record.

2 Now's the time set for prefiling conference  
3 for Eagle Eye Energy Center Project. Start with  
4 appearances.

5 Mr. Acken.

6 MR. ACKEN: Good afternoon, Mr. Chairman.  
7 Bert Acken on behalf of the applicant EAGL, LLC. With me  
8 is project representative/project manager, Adam Furman of  
9 BrightNight and Kenda Pollio, KPE.

10 CHMN STAFFORD: And has the applicant  
11 identified any potential intervenors for this project?

12 MR. ACKEN: Not at this time, no.

13 CHMN STAFFORD: Okay. Has there been a lot  
14 of public interest in the project?

15 MR. ACKEN: I mean, public interest, maybe,  
16 sort of. I mean, there's been a lot of effort by this  
17 team to meet with and coordinate with the local  
18 community, whether that translates into great interest, I  
19 guess, is another question. I think people are curious,  
20 but I don't anticipate much in the way of public comment  
21 or concern as it relates to this project.

22 CHMN STAFFORD: Okay. All right. And you  
23 have three prehearing exhibits?

24 MR. ACKEN: I do. So EAGL-1 is our -- or  
25 PFC-1 is our overview map, kind of provides a kind of

1 overview if you want to get an understanding of what  
2 we're looking at. That also includes our sign locations.  
3 Number 2 is our proposed Notice of Hearing. And Number 3  
4 is the black and white map that would accompany that  
5 Notice of Hearing.

6 CHMN STAFFORD: All right. Prefiling  
7 Exhibits 1 through 3 are admitted.

8 (Exhibits PFC-1 through PFC-3 were admitted  
9 into evidence.)

10 CHMN STAFFORD: So we've got the  
11 draft -- and you sent it in Word, right, already?

12 MR. ACKEN: I did. I did.

13 CHMN STAFFORD: Okay. And then for the  
14 publication for the Notice of Hearing, which papers will  
15 you be publishing in?

16 MR. ACKEN: So we're going to do two.  
17 We're going to do the Parker Pioneer, but it's only a  
18 weekly, so in order to meet our requirements, we'll also  
19 publish in the Arizona Republic.

20 CHMN STAFFORD: Okay. And what's the  
21 anticipated file date?

22 MR. ACKEN: Kenda, do you want to speak to  
23 that? What's the -- what's the -- I think June 16th,  
24 but --

25 MS. POLLIO: Correct.

1 MR. ACKEN: June 16th.

2 CHMN STAFFORD: All right. And then, so  
3 you have three signs that you'll put up?

4 MR. ACKEN: That's right, as shown on that  
5 map.

6 CHMN STAFFORD: And then you -- what about  
7 social media outreach for the project prior to the  
8 hearing? Is that going to be -- what kind of radius are  
9 you looking at for that?

10 MR. ACKEN: Kenda, can you speak to that,  
11 the radius for the social media?

12 MS. POLLIO: Yeah, we actually covered all  
13 the zip codes that go into Wenden, which is the closest  
14 local community. So we went farther than notification of  
15 just the project site itself and went into the community  
16 that's adjacent. And so we covered all the zip codes  
17 that were covered in the mile-wide radius of the project.  
18 And then, again, went out to make sure we captured all of  
19 Wenden. And we already did run social media for  
20 our -- we had a last -- our last meeting that also  
21 noticed them about the CEC hearing itself.

22 CHMN STAFFORD: Okay. And so then I assume  
23 the standard practice, you'll put the application on --  
24 posted on the website, and then --

25 MR. ACKEN: Yes.

1 CHMN STAFFORD: -- along with the  
2 transcripts and procedural order and all those things?

3 MR. ACKEN: Yes.

4 CHMN STAFFORD: And is there also going to  
5 be public library locations or City Hall or where?

6 MR. ACKEN: We have two libraries, one is  
7 pretty close, the Centennial, which is about seven miles  
8 away in Salome. And then, is it pronounced "booze" or  
9 Bouse, 30 miles from the project.

10 CHMN STAFFORD: All right. And the  
11 affected jurisdictions are La Paz County and what else?

12 MR. ACKEN: State land. And a part of our  
13 gen-tie is on -- maybe all of it is on federal land, but  
14 I don't consider them an affected jurisdiction under the  
15 definition, but I wanted to highlight that as well.

16 CHMN STAFFORD: Okay. So the gen-tie is  
17 partially on federal land, you said?

18 MR. ACKEN: Correct.

19 CHMN STAFFORD: And what agency, BLM?

20 MR. ACKEN: BLM. If you look at, in PFC-1,  
21 you'll see the BLM land shown in yellow, so you'll see  
22 that's the vast majority of it. State land is really  
23 kind of the outline of where the nonjurisdictional solar  
24 will be, but a portion of the gen-tie is on private lands  
25 as well for the power plant at issue.

1 CHMN STAFFORD: Okay. So you'll send a  
2 list of affected jurisdictions to the Commission, and  
3 they'll send out the certified mail. And the evidentiary  
4 hearing, we're looking at the Blue Water Resort and  
5 Casino in Parker, Arizona. We're actually going to be in  
6 La Paz County.

7 MR. ACKEN: Yes. I mean, kudos to the KPE  
8 team for finding this location. It's -- I think it's  
9 only about an hour or so from the location, hour, hour  
10 and 15 minutes. And that's as close as you're going to  
11 get, and it seems like a nice venue and should  
12 accommodate what we need.

13 CHMN STAFFORD: Certainly much closer than  
14 Goodyear.

15 MR. ACKEN: Just a little.

16 CHMN STAFFORD: All right. And so the  
17 hearing is anticipated to run from August 3rd through  
18 August 6th, and we're starting that Monday the 3rd at  
19 10:00 a.m., correct?

20 MR. ACKEN: That's correct.

21 CHMN STAFFORD: Okay. And you'll have  
22 lodging for -- enough for all the committee members and  
23 the court reporter?

24 MR. ACKEN: Correct. Yes.

25 CHMN STAFFORD: And get me the virtual link

1 for the hearing by the time of the prehearing conference.  
2 So submit a plan for a tour. I think probably, for  
3 something like this, I think we've done a tour for pretty  
4 much every gas plant, so plan -- plan accordingly.

5 MR. ACKEN: We will plan for it. I mean,  
6 the trick is going to be, you can get fairly close to the  
7 gen-tie, but you're going to be two, three miles away  
8 from the power plant, so we'll be prepared, but  
9 just -- but this one may not be as amenable as some of  
10 the others you have done.

11 CHMN STAFFORD: Okay. So we'll plan a tour  
12 for that Tuesday at 9:00 a.m., and we'll see what the  
13 pleasure of the committee is. I think we might want to  
14 go out and take a look at it.

15 All right. And then for the prehearing  
16 conference, we're going to set that for July 27th at  
17 2:00 p.m. Let's see, one issue I think we probably need  
18 to discuss is ARS 40-360.02(b), contemplates the filing  
19 of a plan with the Commission 90 days before the filing  
20 of the application. I see you filed your 90-day notice,  
21 but it was filed May 5th. And that would be 90 days  
22 from --- before the hearing, but it won't be 90 days  
23 before the filing. Pursuant to section (e) of that same  
24 statute, failure to comply with the requirement (b) is in  
25 the Commission's discretion, in the absence of showing

1 good cause grounds to refuse to consider the application  
2 of the person.

3 So I guess when you file it with the  
4 Commission, the Commission has a decision to make at that  
5 point whether to refer it to the committee. Once it's  
6 referred to the committee, we -- the time clock kicks in  
7 and we proceed, assuming that the Commission was waived  
8 or found good cause to waive compliance with Section (b)  
9 of the statute. But what's your --

10 MR. ACKEN: So, Mr. Chairman --

11 CHMN STAFFORD: -- Mr. Acken?

12 MR. ACKEN: So, Mr. Chairman, on that, yes,  
13 we are aware of the time frame. I submit that good cause  
14 does exist, just due to the difficulty in identifying  
15 pipes, turbines, and supplies. We're in a constrained  
16 supply environment. And so it just took some time to  
17 identify what the most likely option would be.

18 I have flagged this for the general counsel  
19 of the Corporation Commission; he's aware of it. And so,  
20 you know, I guess my first point is I think that good  
21 cause exists. And to the extent the Commission is  
22 inclined to question it at all, but again, they've never  
23 not acted on an application, even one that was -- had a  
24 late filing of a 90-day plan or a Ten-Year Plan.

25 I guess I have one question for you. I am

1 not expecting something affirmative from the Commission,  
2 are you? Because that will be hard, right, to get  
3 something from them, you know, they have an open meeting  
4 schedule. So my thought was I had alerted him. I said,  
5 if this is a concern, please let us know, you know, he  
6 didn't indicate it would be. But how do you want to play  
7 that? Because I don't know that I'm going to get  
8 something affirmative from the Commission.

9 CHMN STAFFORD: Yeah, I think if they  
10 forward the application to me, that tells me that they  
11 have not -- they are not exercising their discretion to  
12 refuse to consider the application. Just the act of  
13 sending it to the committee, then the ball's in our court  
14 and we can proceed under our statutory timelines.

15 MR. ACKEN: And what does that look like?  
16 Because we send -- the applicant sends a copy to you, are  
17 you saying if the Commission establishes a docket, and  
18 that sort of thing, then that's their act of forwarding  
19 it to you?

20 CHMN STAFFORD: I think they email it to  
21 us, don't they? They send us an email with a link to the  
22 application that says, hey, it's filed, that's referring  
23 it to the committee, from my perspective.

24 MR. ACKEN: Okay. Understood. Thank you  
25 for that clarification.

1 CHMN STAFFORD: And I think under the new  
2 revised rules it explicitly says that, that because it  
3 says properly referred to the committee -- to the  
4 Chairman for consideration by the committee, they email  
5 it to me. And then that starts the clock ticking for the  
6 statutory timeline for the committee to act.

7 So, I mean, they'd have to not send it to  
8 me. That would be the action that says, oh, they  
9 exercised their discretion not to consider it. But once  
10 they send it to me, the decision has been made. It's  
11 before the committee and we act under the statute, and  
12 the rules tell us to do.

13 MR. ACKEN: Understood. And, again, I'm  
14 not expecting that based on my conversations with the  
15 general counsel, but again, what I wanted to do was alert  
16 him so that he was aware if they so -- if they wanted to  
17 take such action, they'll be in a position to do so.

18 CHMN STAFFORD: And I think they have to do  
19 it at the front end. It's not going to show up on -- I  
20 think I seem to recall a Superior Court case saying that  
21 you can't use that as a grounds to deny a CEC, because  
22 they didn't comply. It's the discretion of the  
23 committee -- of the Commission it's the front end to not  
24 consider it, it's not grounds to deny.

25 MR. ACKEN: I agree with your

1 interpretation. And I think that was the finding of the  
2 Superior Court in a fairly recent case some of us were  
3 involved in.

4 CHMN STAFFORD: All right. Okay. So I'll  
5 prepare the procedural order. You'll have a draft CEC to  
6 me by the time of the prehearing conference. We'll do  
7 the normal schedule for the public comment at 5:30 on the  
8 evening of the first day of the hearing.

9 Do you anticipate much at the hearing or do  
10 you anticipate any public officials coming to make  
11 comment on the project?

12 MR. ACKEN: So two-part question. I'm  
13 really not anticipating much on the public and this might  
14 be a good time to turn it to Adam, because he has been  
15 involved directly in the County entitlement process, so  
16 he can tell you where that is, where it -- the County  
17 approval's already in place, so he can give you a sense  
18 of what he thinks the flavor might be of both --  
19 anyone -- any public representatives or any members of  
20 the public.

21 MR. FURMAN: Yeah, sure. So we did  
22 complete our discretionary permits at the County level.  
23 It was a Conditional Use Permit, as well as a minor  
24 comprehensive plan amendment. The final Board of  
25 Supervisors hearing was held June 1st, so just fairly

1 recently. There was a unanimous approval. There was no  
2 opposition at the hearing. There were six letters of  
3 support from some key stakeholders in the community. I'm  
4 sure they'll be interested in this hearing as well. But  
5 as far as we know, there's been no opposition raised at  
6 the County level, so --

7 CHMN STAFFORD: Okay. And then air  
8 permitwise, what's the status of that, and where is  
9 that -- who is issuing that?

10 MR. FURMAN: Sure. So we have our own  
11 in-house gas team who is running with that. They  
12 submitted the application in -- on December 31st of last  
13 year, 2025. It was deemed administratively complete in  
14 January of this year, 2026. And it is currently under  
15 substantive review.

16 CHMN STAFFORD: All right. And who is  
17 reviewing it?

18 MR. FURMAN: So I imagine it's at the ADEQ.  
19 I'm not sure which department will be -- is  
20 currently reviewing, so --

21 CHMN STAFFORD: Right. Because it varies  
22 by County, because Maricopa County goes through the  
23 County air permit process, but in La Paz -- this is the  
24 first air permit I think we've dealt with for La Paz  
25 County. So it's ADEQ. Okay.

1 Is it going to be a major new source or a  
2 synthetic minor source?

3 MR. FURMAN: The derivative pulled from it  
4 was a complex Class I other major source permit.

5 CHMN STAFFORD: Okay.

6 MR. FURMAN: Yeah.

7 CHMN STAFFORD: Now, for the hearing, we'll  
8 do the -- I assume you'll have Peaks do the audiovisual  
9 for that hearing as well, Mr. Acken?

10 MR. ACKEN: They will. I should have  
11 confirmed that with them yesterday.

12 CHMN STAFFORD: Standard iPads for the  
13 exhibits. All right. What was the amount of filing for  
14 this? It was more than a thousand dollars, because of  
15 the client.

16 MR. ACKEN: It was at least 10,000. I  
17 can't remember off the top of my head if it was 11,  
18 because you added the gen-tie separately. Kenda may know  
19 that. It was at least 10,000, and we've already made  
20 that payment.

21 CHMN STAFFORD: Okay. Was it 10 or 11?

22 MS. POLLIO: I think it was 11, but I can  
23 check, but -- but we did already make the payment and got  
24 the receipt, so we were working with them to get that  
25 done.

1 CHMN STAFFORD: Okay. All right. Good.  
2 So you know the Commission is obligated by statute to pay  
3 the cost of reporting and transcribing any application  
4 hearing, as well as the actual and necessary expenses  
5 incurred by the committee members, in connection with the  
6 participation in committee meetings from that filing fee.  
7 Costs and fees exceeding the amount of the applicant's  
8 fee may, with the applicant's consent, be incurred by the  
9 committee and charged to the applicant.

10 Does the applicant consent to pay the  
11 Commission those costs in excess of the filing fee?

12 MR. ACKEN: It does.

13 CHMN STAFFORD: All right. So we'll have  
14 the court reporter do the three-day turnaround at the end  
15 of the hearing, standard. And then is there any other  
16 objections or concerns, anything else we need to cover?  
17 Because that's the end of my list.

18 MS. POLLIO: It's 10,000. Sorry, it was  
19 not 11,000, it was 10,000. I wanted to correct that.

20 CHMN STAFFORD: Okay, yeah, 10,000.

21 MR. ACKEN: Thank you, Kenda, for running  
22 that to ground.

23 I just wanted to flag one thing for you,  
24 Mr. Chairman. We are going to be filing,  
25 contemporaneously-ish, an amendment to -- or a request

1 for an amendment to Case 236. So if you look at  
2 Prefiling Exhibit 1, the purple corridor, if you will,  
3 that was requested, a gen-tie corridor, we plan -- our  
4 request is to then use what is shown here in that green  
5 color, the certificated corridor in Case 236, to complete  
6 the interconnection from the new resources to the  
7 regional grid at the existing Harcuvar Substation.

8 An amendment is needed to Case 236 to do  
9 that, because we are going to be using double-circuit  
10 structures. That's our request in this proceeding. Case  
11 236 only authorized -- or we only explicitly requested  
12 authorization for single-circuit structures. So we will  
13 be filing an application to amend 236 for the explicit  
14 use of double-circuit structures.

15 Again, the idea is to file it before or  
16 concurrently with this application. Again, I provided  
17 notice to the Commission that that is coming, so that  
18 they can process it as they see fit. But wanted to make  
19 sure you were aware of that parallel, somewhat related  
20 proceeding.

21 CHMN STAFFORD: Okay. And is it -- are you  
22 changing from single- to double-circuit structures for  
23 all or just a portion of the CEC for 236?

24 MR. ACKEN: (No audible response.)

25 CHMN STAFFORD: I didn't hear you, what?

1 MR. ACKEN: It will be all.

2 CHMN STAFFORD: Okay.

3 MR. ACKEN: So 236 is a short gen-tie, I  
4 think it's two miles or so. We're not requesting a  
5 change to the corridor. The only thing we're asking for  
6 is the explicit authority to use double-circuit  
7 structures.

8 CHMN STAFFORD: Okay. All right. Now, the  
9 Commission may or may not refer that to the committee for  
10 additional hearing. I guess it will depend what kind of  
11 information you provide with that application. I think  
12 if it's -- the less changes or impacts to the environment  
13 that will be resulting from the change, I think the less  
14 the impact or less likely they'll actually send it to us  
15 for additional hearing to see if it's still compatible.

16 If you're filing it contemporaneously, they  
17 may or may not address it before the hearing in this  
18 matter. So I think it's probably wise to be prepared to  
19 talk about that somewhat at the hearing for, I guess it's  
20 going to be, what, 263, most likely, that to kind of  
21 maybe discuss some of that so there's already evidence in  
22 the record in this matter.

23 So that could potentially help the  
24 Commission make their decision without an additional  
25 hearing, because we're going to be here for this. It

1 seems like it's worth putting on some evidence about the  
2 difference in the change to 236 to maybe cover your bases  
3 ahead of time.

4 MR. ACKEN: Thank you, Mr. Chairman. I  
5 think that's wise counsel and an idea. We aren't  
6 requesting taller structures, you know, different  
7 heights, anything like that. This is a very narrow  
8 request. But I do agree with you, it makes sense to at  
9 least discuss it at some level. I mean, we kind of have  
10 to, because we're going to talk about the project and how  
11 it's interconnecting to Harcuvar, so in the nature of  
12 that, you know, it's straightforward enough to us to  
13 explain what our requested plan is for 236 as well. So  
14 to your point, there will be an evidentiary record that  
15 the Commission can rely on if they want.

16 CHMN STAFFORD: Okay. All right. That's  
17 everything I have.

18 Do we need anything else, Tod?

19 MR. BREWER: (No audible response.)

20 CHMN STAFFORD: Hearing nothing. Silence  
21 is acceptance.

22 Mr. Acken, is there anything else?

23 You're on mute.

24 MR. ACKEN: I'll just note for the record  
25 that Kevin Martin of BrightNight joined us, as did Kaylan

1 Lamb of KPE, just so their presence is noted for the  
2 record.

3 CHMN STAFFORD: All right. Thank you.

4 And, Robin, you have everything you need?

5 THE REPORTER: Yes.

6 CHMN STAFFORD: Thank you.

7 With that, we are adjourned. Thank you all  
8 very much.

9 MR. ACKEN: Thanks, everybody.

10 (The hearing concluded at 1:54 p.m.)

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1 STATE OF ARIZONA )  
2 COUNTY OF MARICOPA )

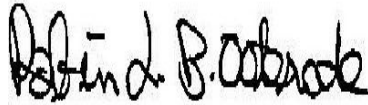
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5 taken before me; that the foregoing pages are a full,  
6 true, and accurate record of the proceedings all done to  
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8 were taken down by me in shorthand and thereafter reduced  
9 to print under my direction.

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

13 I CERTIFY that I have complied with the ethical  
14 obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206  
15 (J)(1)(g)(1) and (2). Dated at Phoenix, Arizona, this  
16 23rd day of June, 2026.

17



18 \_\_\_\_\_  
19 ROBIN L. B. OSTERODE, RPR  
20 CA CSR No. 7750  
21 AZ CR No. 50695

22

23 \* \* \* \* \*

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

26



27 \_\_\_\_\_  
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