

1 BEFORE THE ARIZONA POWER PLANT

LS-507

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION) DOCKET NO.
OF EAGL, LLC, IN CONFORMANCE) L21323A-26-0244-00263
5 WITH THE REQUIREMENTS OF ARIZONA)
REVISED STATUTES § 40-360,) CASE NO. 263
6 ET SEQ., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY) PREHEARING CONFERENCE
7 AUTHORIZING THE EAGLE EYE THERMAL)
PLANT AND GEN-TIE PROJECT, LOCATED)
8 WITHIN LA PAZ COUNTY, ARIZONA)
_____)

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12 At: Phoenix, Arizona

13 Date: July 27, 2026

14 Filed: July 31, 2026

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 (Pages 1 through 20)

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25 By: Janet Hauck, RPR
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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 Committee,
commencing at 2:00 p.m., on July 27, 2026. All parties
attended via Zoom videoconference.

4

5 BEFORE: Adam Stafford, Chairman

6

7 VIDEOCONFERENCE APPEARANCES:

8

For the Applicant:

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Also present:

14

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

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1 CHMN STAFFORD: Let us go on the record.

2 Now is the time set for the prehearing conference
3 in the application of EAGL, LLC, Docket Number
4 L-21323A-26-0244-00263 or Line Siting Case 263.

5 Let's start with appearances.

6 Mr. Acken.

7 MR. ACKEN: Good afternoon, Mr. Chairman.

8 Bert Acken of Acken Law on behalf of the applicant EAGL,
9 LLC. With me are Adam Furman and Kevin Martin of
10 BrightNight, applicant for the legal entity, and then also
11 Kenda Pollio. Her team is managing the environmental
12 permitting for the CEC as well as hearing logistics. And I
13 see -- before I give up the floor -- I've got one more
14 BrightNight rep joining us, Erik Ellis.

15 MR. ELLIS: Sorry. New laptop over here and I
16 had to grant a bunch of permissions to get in. So
17 apologies for coming late.

18 CHMN STAFFORD: No worries.

19 All right. So I just want to confirm with you,
20 Mr. Acken, that you've got lodging for all the out of town
21 committee members?

22 MR. ACKEN: We do. And I should note for the
23 record that Kaylan Lamb, also KPE, has joined, as well.

24 CHMN STAFFORD: Now, I haven't seen any requests
25 to intervene in this case.

1 MR. ACKEN: No one has reached out to the
2 applicant or to me directly exhibiting any interest in
3 intervening. Our expectation is that this will be similar
4 to the County entitlement process. So we are hopeful and
5 expect that it will be quiet on that front. There is no
6 interest in intervention of which we're aware.

7 CHMN STAFFORD: And you have four prehearing
8 exhibits. Would you like to discuss those with us, please?

9 MR. ACKEN: I do. So Prehearing Exhibit Number 1
10 is the public outreach exhibit provided pursuant to
11 paragraph 16 of the procedural order. Prehearing Exhibit 2
12 is our proposed route tour provided pursuant to paragraph
13 19. Prehearing Exhibit 3 is the Word version of the
14 proposed CEC provided pursuant to paragraph 27. Prehearing
15 Exhibit 4 is an overview figure that we would envision that
16 will be Exhibit A to the proposed CEC, and it's the primary
17 base map, if you will, that we will use throughout the
18 proceeding.

19 CHMN STAFFORD: All right. Thank you.

20 Prehearing Exhibits 1 through 4 are admitted.

21 (Exhibits PHC-1 through PHC-4 were admitted into
22 evidence.)

23 CHMN STAFFORD: Does applicant agree that
24 December 13th, 2026, is the time limit for the community to
25 act under the statute?

1 MR. ACKEN: We do.

2 CHMN STAFFORD: Looking at the Commission's
3 website, I'm not seeing any green cards in the documents.

4 MR. ACKEN: I didn't either. And so I reached
5 out to Dockets today because I wanted to make sure they
6 were there before this. And so I spoke with Julie in
7 Dockets. She said she had to run it to ground and didn't
8 have an answer for me yet as to why those have not been
9 docketed. So that's an open item and I just don't -- I'm
10 awaiting the feedback from Dockets on that.

11 CHMN STAFFORD: The affected jurisdictions are
12 La Paz County and the Arizona State Land Department,
13 correct?

14 MR. ACKEN: That's correct.

15 CHMN STAFFORD: So they should have received
16 notices by certified mail at least 20 days before the date
17 of the hearing which is next Monday, correct?

18 MR. ACKEN: They should have. I don't know if
19 you want to talk about what happens if that did not occur.

20 I will note that both jurisdictions are very
21 familiar with this project and the County has already
22 completed its entitlement process for the energy center,
23 and the State land process is quite far along, as well, for
24 a State lease. So both affected jurisdictions are well
25 aware of the project, generally.

1 CHMN STAFFORD: All right. And if for some
2 reason the Commission erred and did not send out certified
3 mail, I think it would be prudent for the applicant to
4 provide some sort of proof of actual notice.

5 MR. ACKEN: Yes, Mr. Chairman, we will do that.

6 So I will take it as an action item once I hear
7 from Commission Dockets one way or the other. And let's
8 say that notice was not given, we will provide
9 supplementary notice to both affected jurisdictions and
10 will be presented to provide testimony to that effect next
11 week.

12 CHMN STAFFORD: I think there's some kind of
13 correspondence from both the County and the State Land
14 Department stating that they're aware of and have no
15 interest in participating in the certification proceeding.

16 MR. ACKEN: Understood completely, and that's
17 what we'll do.

18 CHMN STAFFORD: All right. Now, you've got
19 the -- in your Hearing Exhibit 1 -- Prehearing Conference
20 Exhibit 1 is the public process. You did two publications
21 for the notice of hearing?

22 MR. ACKEN: We did. That notice was completed on
23 June 24th in the Parker Pioneer and The Arizona Republic.

24 CHMN STAFFORD: That is more than 30 days before
25 the start of the hearing?

1 MR. ACKEN: Yes, and it's twice within ten days
2 of the filing.

3 CHMN STAFFORD: So do you have any objections or
4 additions to the agenda?

5 MR. ACKEN: No. It looked perfectly appropriate.

6 CHMN STAFFORD: So the hearing is going to start
7 on Monday, August 3rd, and we have it going through
8 Thursday potentially. We're going to start at 10 a.m. on
9 the 3rd, and it will be at the Bluewater Resort and Casino
10 in Parker, Arizona. Do you think it'll be all four days,
11 Mr. Acken?

12 MR. ACKEN: I don't. I think the only way that
13 that happens is if we do an actual tour because it takes
14 some time to get to the location from the hearing venue.
15 They're both in La Paz County, but it's going to be most of
16 the day to do that. Otherwise, I don't envision this being
17 a four-day hearing without intervention and pretty far
18 along in the entitlement process for State land, BLM, and
19 with the County entitlements in place.

20 CHMN STAFFORD: Now, for the tour, what's your
21 estimated duration on the tour?

22 MR. ACKEN: I'm pulling it up.

23 Kenda, feel free to jump in, if you know.

24 MS. POLLIO: Yeah. I mean, we think that if we
25 hurry we can get it done potentially in a half day, but I

1 think it's probably going to go past the -- just because of
2 the time to get out to the site and then drive it. Now,
3 it's a very -- it's unique because we really can't see
4 anything but from the road. We tried to do a very robust
5 virtual tour.

6 Because of where the roads are, you can't really
7 traverse inland to get to the generation facility. So
8 you're really going to be able to see the edge of where the
9 transmission line would be and the edge of where the solar
10 field would be, but the generation facility is literally,
11 like, a mile and a half past that.

12 So it really -- again, I think we could -- just
13 knowing how we typically get in the vehicle and do the
14 whole thing, I'm going to say it probably would run until
15 about 1:00, come back, have lunch. So I would think that
16 we would probably get started again at 2 is kind of what
17 we're thinking just from the fact that we do have to
18 physically drive there.

19 CHMN STAFFORD: Now, it looks like, looking at
20 the tour, there's two stops. The first one it looks like
21 it would be -- that's as close as you're going to get to
22 the plant. It's at the edge of where the solar array would
23 be --

24 MS. POLLIO: Correct.

25 CHMN STAFFORD: -- is this still a mile and a

1 half to where the thermal plant would be?

2 MS. POLLIO: That's correct. That's the real --
3 yeah. It's off in the distance. So what we're trying to
4 do is give a robust virtual tour to really get down low to
5 see the whole area and then kind of show where the site is
6 and the distance and show what the simulations look like
7 from there.

8 CHMN STAFFORD: And the second one is closer to
9 where the substation would be?

10 MS. POLLIO: Correct.

11 CHMN STAFFORD: Well, it's closer to where --
12 it's where the gen-tie would be heading toward. It still
13 looks like it's about half a mile or more from the existing
14 substation.

15 MS. POLLIO: That is correct.

16 CHMN STAFFORD: Refresh my memory. What's the
17 nearest residence to this project?

18 MS. POLLIO: To the generation facility it's
19 about two miles, one and a half to two miles.

20 CHMN STAFFORD: To the south?

21 MS. POLLIO: It's closer to where the first stop
22 is on the route tour. So it's kind of in that southwestern
23 corner. There is one residence.

24 CHMN STAFFORD: And how far is it from the edge
25 of the solar field?

1 MS. POLLIO: The edge of the solar field -- I
2 don't have that distance off the top of my head, but it's
3 fairly close to the edge of the solar field.

4 CHMN STAFFORD: Okay. So you've got all the
5 arrangements made for the hearing at the Bluewater?

6 MR. ACKEN: We do. Peaks is scheduled to be out
7 there over the weekend and we'll have a hearing layout and
8 we'll have everything set up, ready to go Monday morning no
9 later than 10.

10 CHMN STAFFORD: Now, is the black line going to
11 be adequate or are they going to use the Starlink? Do you
12 know?

13 MR. ACKEN: Off the top of my head, I don't know.
14 We'll find out from Peaks when we get there, but we'll have
15 one or the other.

16 CHMN STAFFORD: So they're confident it'll work
17 either way. Okay. Good.

18 MS. POLLIO: They're testing it on Sunday
19 morning. So we have some time to troubleshoot on Sunday.

20 CHMN STAFFORD: All right. Now, since we're
21 starting Monday at 10, the members will be able to check
22 into the hotel Sunday evening, correct?

23 MR. ACKEN: Yes, that's what we have.

24 MS. POLLIO: Yes.

25 CHMN STAFFORD: We'll do the public comment at

1 5:30 that Monday. We probably won't need security, but I'm
2 sure the casino has people there anyway, so -- and then
3 you'll have sign-in forms for the public comments --

4 MR. ACKEN: We will.

5 CHMN STAFFORD: -- with a check-the-box-if-you-
6 wish-to-speak option?

7 MR. ACKEN: Are you scarred from a prior case,
8 Mr. Chairman?

9 CHMN STAFFORD: Yes. I do not like calling on
10 people and them telling me they don't want to speak.

11 All right. So we'll take breaks about every 90
12 minutes, business casual attire for the hearing.

13 Are there any issues regarding the hearing
14 itself?

15 MR. ACKEN: I have one, and I noted this in my
16 e-mail just to kind of tee it up.

17 We are going to be requesting -- or I am
18 requesting a slight adjustment of our corridor. We want to
19 move the corridor off of BLM land a quarter mile to the
20 west. The width of the corridor would remain 1000 feet.
21 The ultimate right-of-way on BLM land would remain 150
22 feet, but BLM has requested that we shift our corridor
23 approximately a quarter mile to the west so that it can be
24 located in a designated BLM corridor.

25 So BLM in this area has designated several

1 corridors that run along existing infrastructure. The one
2 at issue is the El Paso Natural Gas Pipeline that the
3 thermal plant will interconnect to. And so that natural
4 gas pipeline runs roughly north, south, west of our
5 project. And so BLM has requested that that corridor be
6 shifted. Again, it requires a quarter-mile shift from what
7 we noticed in the CEC application in order to get it within
8 the BLM corridor.

9 CHMN STAFFORD: And that's, as you said, at BLM's
10 request then, the landowner?

11 MR. ACKEN: That's correct. So my view -- again,
12 my position -- our legal position would be that it's not a
13 substantial change because the affected party is Bureau of
14 Land Management, and obviously they're aware and we're
15 doing it at their request. The subject matter is the same.
16 It's the same gen-tie. It's just shifted, and the effects
17 will be no different, as we'll testify in the hearing.

18 CHMN STAFFORD: Okay. I seem to recall you
19 having to make an adjustment to a corridor after a
20 certificate was issued -- it's all on County land -- at the
21 request of the County and the Commission to determine that
22 it was not a significant change that would require
23 additional notice or hearing and they approved the change
24 at the open meeting. So I think this falls in line with
25 that.

1 I think when you make the change at the hearing
2 we'll inform the committee members and then determine that
3 it's not a significant change that would warrant new
4 notice, and then you should be able to --

5 MR. ACKEN: Yes. I'm sorry, Mr. Chairman.

6 The one case that I had recently with this was
7 Case 259. That was on State land where we expanded the
8 corridor. And, yes, the Commission approved that, and
9 that's very recently, so early this calendar year.

10 CHMN STAFFORD: All right. We've got your
11 witness summaries. You have two panels?

12 MR. ACKEN: Yes, Mr. Chairman. We'll have a
13 panel of BrightNight representatives, Mr. Ellis,
14 Mr. Furman, and a third, Mr. Krabbe, to talk about
15 BrightNight, the applicant, and the project itself.
16 Mr. Furman will present the virtual tour that Ms. Pollio
17 referenced. So that will be Panel 1. And then Panel 2
18 will be Ms. Pollio and Mr. Martin. Mr. Martin, I think, is
19 with BrightNight. He has been overseeing the federal NEPA
20 process.

21 So when we're talking about environmental studies
22 that have been done in the BLM process, Mr. Martin will be
23 available to discuss that, along with Ms. Pollio discussing
24 the other studies conducted. And then Mr. Ellis will be on
25 that panel, as well, for cleanup and additional questions

1 that may come from the Committee.

2 CHMN STAFFORD: All right. So a total of five
3 witnesses?

4 MR. ACKEN: Five witnesses.

5 CHMN STAFFORD: All right. So there's an ongoing
6 NEPA process then, BLM?

7 MR. ACKEN: There is. With the application we
8 submitted, the draft EA, draft plan of development --

9 Adam, do you want to speak real briefly to the
10 current status? You know -- or Kevin, one of you, speak to
11 the current status of when we're expecting final action?

12 MR. FURMAN: Yeah. I'll actually let Kevin speak
13 to that one, given he's going to be giving the testimony
14 during the hearing on the NEPA process.

15 CHMN STAFFORD: Kevin?

16 MR. MARTIN: Yes, we are -- we've been in the
17 process of NEPA with BLM. Since they've requested us to
18 relocate it into the corridor, we've had to do some editing
19 and some layout figure changes, but we're on track to get
20 that approved, a FONSI, Finding Of No Significant Impact,
21 sometime probably in August, and then a right-of-way
22 issuance in October, and it is currently under an
23 environmental assessment.

24 CHMN STAFFORD: So you expect the FONSI when
25 again?

1 MR. MARTIN: Probably sometime in August.

2 CHMN STAFFORD: And then the air permit, is that
3 through DEQ or through the County?

4 MR. ACKEN: That's through the ADEQ. And the one
5 witness who was going to speak to the air permit is not on
6 here. That's Michael Krabbe. So he will talk to the
7 status of the air permit.

8 CHMN STAFFORD: And you've made the financial
9 arrangements with the Commission?

10 MR. ACKEN: We have.

11 CHMN STAFFORD: It looks like staff just filed
12 their letter in the docket today just right before the
13 conference.

14 MR. ACKEN: Breaking news. I haven't seen it
15 yet, so --

16 CHMN STAFFORD: So it's going to be added as a
17 hearing exhibit then?

18 MR. ACKEN: It will.

19 CHMN STAFFORD: And there's no litigation related
20 to this application, correct?

21 MR. ACKEN: There is not. That reminds me,
22 though.

23 We do have a proceeding in Case 236. So 236 was
24 a corridor approved in the fall of '24 for an approximately
25 two-mile gen-tie in this area. And since the project has

1 evolved and expanded, the solar facilities have moved
2 further south. We added the thermal facilities. We need a
3 longer gen-tie, and that's where the gen-tie in this case
4 comes in.

5 But in 236 it is -- well, we plan to use the
6 corridor approved in Case 236. And in that case we did not
7 explicitly request approval for double-circuit structures.
8 So we did file an amendment application for that explicit
9 authority. Earlier this month we got a staff memorandum
10 recommending approval of that modification in the Case 236
11 CEC. And that I expect to be heard by the Commission, but
12 not until the August 12th open meeting.

13 CHMN STAFFORD: All right. So I assume that the
14 staff's recommendation would be another exhibit?

15 MR. ACKEN: Yes, it will, and that's what jogged
16 my memory. So, yes, it will be.

17 CHMN STAFFORD: Okay. Excellent. Now, we've got
18 the proposed CEC. Is there anything we need to talk about
19 that today?

20 MR. ACKEN: I don't believe so. I think we can
21 use Case 262 gen-tie as the primary template and added what
22 we thought were consistent and comparable or appropriate
23 conditions from two recent gas plant projects. So we have
24 those, as well. So that was our best judgment as to what
25 made sense here.

1 CHMN STAFFORD: Now, you'll have the exhibits all
2 on tablets, I'm assuming, for the members at the hearing?

3 MR. ACKEN: We will. And also, we'll make sure
4 to get that to Tod by Friday, I think, is when we're
5 getting it to the AV team. So we'll get that to Tod, as
6 well, so that it can be circulated to committee members who
7 may be participating remotely.

8 CHMN STAFFORD: All right. And you've got the
9 links of the members attending remotely -- did you send
10 those to Tod already?

11 MR. ACKEN: Yes, Tod should have those. If not,
12 let me know, and I'll follow up.

13 CHMN STAFFORD: Then you've got the one library
14 for this one where you're putting transcripts?

15 MR. ACKEN: We actually are into Salome and --
16 I'm not sure how to pronounce it. Is it Bouse or Bouse?
17 But those are the two nearby or relatively nearby
18 libraries.

19 CHMN STAFFORD: As well as the project website?

20 MR. ACKEN: That's right.

21 CHMN STAFFORD: All right. Well, I think that's
22 everything on my end. Is there anything else we need to
23 cover, Mr. Acken?

24 MR. ACKEN: I don't have anything else on my
25 list. I'll ask the group assembled if I've missed anything

1 or misstated.

2 Will you speak up?

3 MS. POLLIO: The only clarifying was the affected
4 jurisdictions, the Bureau of Land Management. Do we need
5 to include them as an affected jurisdiction note?

6 CHMN STAFFORD: Oh. BLM, no. Technically, it's
7 a federal agency. They don't meet the statutory definition
8 of affected jurisdictions.

9 MS. POLLIO: I just wanted to confirm to clarify
10 for the record if that was not the case, so --

11 CHMN STAFFORD: But you're not going to be able
12 to build it without their consent.

13 MS. POLLIO: Kevin is working on that one. So we
14 got it. Thank you.

15 CHMN STAFFORD: All right. Anything else, Tod?

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

17 CHMN STAFFORD: Well, thank you all very much. I
18 will see you on Monday, and with that we are adjourned.

19 (The proceedings adjourned at 2:24 p.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

3 BE IT KNOWN that I took the foregoing
4 proceedings; that said transcript is a full, true, and
5 accurate record of the proceedings; that the proceedings
6 were taken down by me in shorthand and thereafter reduced
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9 I CERTIFY that I am in no way related to any of
10 the parties hereto nor am I in any way interested in the
11 outcome hereof.

12 Dated this 28th day of July, 2026.

13 

14 Janet Hauck, RPR
15 Certified Reporter
16 Arizona CR No. 50522

17 I CERTI has complied with 7-206. RVICES, LLC,
18 forth in ACJA

19 

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