

1 BEFORE THE ARIZONA POWER PLANT LS-512
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 ARIZONA)
7 REVISED STATUTES § 40-360, ET) LS CASE NO. 263
8 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)
13 COUNTY, ARIZONA) EVIDENTIARY HEARING
14)
15)
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23)
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25)

10 At: Parker, Arizona

11 Date: August 5, 2026

12 Filed: August 10, 2026

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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 VOLUME III
16 (Pages 482 through 680)

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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 at, Parker, Arizona, commencing at 9:09 a.m. on
5 August 5, 2026.

6

7 BEFORE: ADAM STAFFORD, Chairman

8 MICHAEL COMSTOCK, Arizona Corporation Commission
9 LEONARD DRAGO, Department of Environmental Quality
(via videoconference)
10 LANEY MEEKER, Arizona Department of Water Resources
NICOLE HILL, Governor's Office of Energy Policy
11 SAL DICICCIO, Incorporated Cities and Towns
(via videoconference)
12 ROMAN FONTES, Counties
MARGARET "TOBY" LITTLE, PE, General Public
(via videoconference)
13 DOUGLAS FANT, General Public
14 GABRIELA SAUCEDO MERCER, General Public

15

APPEARANCES:

16

For the Applicant:

17

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

3 Mr. Acken, I believe you had completed your
4 direct case pretty much?

5 MR. ACKEN: Yes, Mr. Chairman. I don't
6 believe I have any follow-up this morning. I have four
7 members of the panel available to answer additional
8 questions from the committee.

9 CHMN STAFFORD: Okay. Well, I have a few,
10 so let's get started, shall we?

11 Looking at the application, the application
12 itself, page 2, describing the thermal plant, it talks
13 using up to 17 with a maximum of 14 in operation with
14 three redundant units.

15 How will those -- and those redundant units
16 were not pictured on the one-line diagram, were they?

17 MR. CRABB: That's correct.

18 MEMBER LITTLE: No, they are not on there.

19 CHMN STAFFORD: So when you say redundant
20 units, where will those be located on the plant site?

21 MR. CRABB: Physically contemplated to be
22 sort of in line with the operational units, but they
23 won't be energized into the grid.

24 BY MR. ACKEN:

25 Q. If I may, Mr. Crabb, maybe you can use the

1 placemat to show -- the backside that has a high-level
2 plan. It's also slide number -- which is escaping me at
3 the moment. But the placemat is readily accessible, at
4 least for those in the room. And while I look for the
5 other one -- and point out where those units would be.

6 A. (Mr. Crabb) Yeah, I actually think in this
7 particular plan, if you were to zoom in on the labels, I
8 believe they'd be the three on the left. I think as that
9 design has evolved, would likely make more sense that
10 they would be the three on the right.

11 CHMN STAFFORD: Okay. And how would they
12 be set up? Would they be -- what would it take to turn
13 them on to go from redundant to in operation?

14 MR. CRABB: I can't say that we've fully
15 designed that electrical configuration. But it would be
16 either a physical swap -- if we were to have to take one
17 of the units out, we could either harvest those for spare
18 parts or do a full physical replacement. Ideally, we are
19 able to have a faster swap by deenergizing the failed
20 unit and energizing the redundant unit from an electrical
21 perspective.

22 CHMN STAFFORD: Okay. Because I can't
23 recall ever seeing a certificate that entailed having
24 redundant units. I mean, all the units that are on site
25 are typically listed as being part of the nameplate

1 capacity for the plant.

2 MR. ACKEN: The testimony in this case is
3 that it's being done to provide an additional layer of
4 redundancy. The testimony is that there will never be
5 more than 700 megawatts. We're not asking for the
6 authority to have more than 700 megawatts nameplate
7 capacity.

8 So they did -- so the reference to the
9 three redundant units provides two things, one, a full
10 record, and also a comfort to the committee and the
11 Commission as to the reliability of this project.

12 To the extent one of the other units fails,
13 or up to three, this project can continue to provide
14 needed capacity to the grid in a much, much faster time
15 frame than could be done historically.

16 And I think perhaps the reason -- and I'll
17 ask the witnesses to confirm -- is that we're entering a
18 different world, a capacity constrained world with
19 customers who demand 24/7 capacity. And so the ability
20 to flip the switch, if you will, quickly is something
21 that customers are requiring today that they might not
22 have in the past.

23 BY MR. ACKEN:

24 Q. But, Mr. Crabb, please, you're the one under
25 oath.

1 A. (Mr. Crabb) I will repeat some of what he said.
2 Yes, this is not how I have ever designed plants
3 historically. It is a function of continually hitting
4 peak demand on these systems and the desire to provide
5 that high degree of reliability, or at least have it as
6 an option as we develop the project.

7 It is up to three. The utility requirements and
8 the customer requirements as we engage with those
9 customers and they evolve their planning criteria will
10 dictate whether we have zero, one, two, or three
11 redundant sort of spare units on site.

12 THE COURT REPORTER: Chairman, I'm having
13 technical difficulties. Can I have five minutes?

14 CHMN STAFFORD: Let's go off the record for
15 about five minutes to correct a technical difficulty.

16 I do see your hand, Member Little.

17 MEMBER LITTLE: Thank you.

18 (Recess from 9:15 a.m. to 9:18 a.m.)

19 CHMN STAFFORD: Let's go back on the
20 record.

21 We have fixed our technical difficulty.
22 Okay. We were talking about the three redundant units.

23 Mr. Crabb, please resume your answer.

24 MR. CRABB: Should I repeat from the
25 beginning?

1 CHMN STAFFORD: Start over, yeah.

2 MR. CRABB: Gives me extra practice.

3 So, yeah, we haven't made a final
4 determination on the best way to physically configure the
5 spare or redundant units, whether that is an electrical
6 connection change likely between the low voltage coming
7 out of the generator into the nonjurisdictional thermal
8 electrical yard or substation or whether they would be
9 positioned to be physically swapped with a nonfunctioning
10 unit as part of the reliability measures of the plant.

11 I will also note for the record that it
12 hasn't been determined yet whether we would include any
13 or up to all three of those units. It is really a
14 response to the ever-evolving scarcity of capacity in the
15 market and the evolving customer requirements for these
16 types of projects.

17 And so that will continue to evolve as we
18 engage with those customers.

19 CHMN STAFFORD: Okay. I'm just having a
20 real problem with the description of saying the plant's
21 going to include 17 units with three being redundant.
22 Because the math of 17 times 50 equals 850, not
23 700-megawatts nameplate.

24 So I'm not comfortable with describing the
25 plant as 17 turbine generators. I think if it's

1 700-megawatt nameplate it's 14. If you have a footnote
2 that says they may keep up to three additional units on
3 site somewhere as backups, but they're not hooked up,
4 they're not part of the plant.

5 Because otherwise you have an 850 -- if
6 they're all hooked up, then you have an 850-megawatt
7 plant, not a 700-megawatt plant. Because it's not
8 about -- because you could choose to run it however you
9 like. But if it's physically possible, you know, they're
10 all there hooked up and they can all run, then the output
11 would be, you could be limited by your interconnection
12 agreement, your offtake agreement, whatever.

13 But the thing is we're looking at the
14 physical capability of the plant, so I don't -- I don't
15 like describing it as the plant having 17 turbines
16 when -- 17 50-megawatt turbines and calling it
17 700-megawatt nameplate plant.

18 MR. CRABB: I don't have any problem
19 revising that language. When we think about sort of the
20 community engagement and impact, we did want to have that
21 impact fully modeled, visual land, et cetera. But, yeah,
22 I totally agree with your --

23 CHMN STAFFORD: That description is giving
24 me heartburn. I don't know, do the other members have
25 thought on that? I know Member Little probably does.

1 She's got her hand raised.

2 MEMBER LITTLE: Thank you, Mr. Chairman,
3 and thank for raising this issue. It's on my list also.

4 I think this is a wonderful idea to have
5 redundant units. I am all for whatever we can do to make
6 the system more reliable, more responsive, and to meet
7 the -- your customers, who also have customers' needs.

8 However, I also feel like if they are
9 electrically connected, then it needs to be an up to 17
10 or however many, total number including the redundant
11 units, megawatt plant.

12 I had thought perhaps we could put language
13 in there that said with an operational limit of 700 or
14 600. But however we handle it, if they are electrically
15 connected, if they're just sitting in, you know, sitting
16 over there with tarps over them and not electrically
17 connected, then to me it's the same as having an extra
18 transformer sitting in your yard.

19 But if they're electrically connected, then
20 it needs to be included in the size of the plant in my
21 opinion.

22 CHMN STAFFORD: Yeah, I think because the
23 statute says the nameplate capacity, so if they're there
24 and they're hooked up, then it doesn't, we're not looking
25 at operational limits. Otherwise we would be -- but

1 you're never going to get 700-megawatt out of this plant
2 with 14 units anyway.

3 MEMBER LITTLE: That's true.

4 CHMN STAFFORD: The operational limits are
5 going to be way less than that, so we're going off the
6 nameplate. I don't want to call it something it's not.

7 So I guess I just want to get this out
8 there now before we start messing with language on the
9 certificate, but I think I'm not comfortable describing
10 the 17 units. It should be 14 units and we can have a
11 footnote that says the applicant may keep up to three
12 additional units as spares on site or something.

13 MEMBER LITTLE: Mr. Chairman, I disagree
14 with that. I think that because we're -- I understand
15 the difficulty that the developers are faced with, the
16 difficulties that they're faced with in today's world.

17 And I sympathize with that. However, we
18 are in a position here where we need to approve a
19 certificate and we can't just say you guys can go and
20 build whatever you want, wherever you want, with whatever
21 impacts you want as long as you tell us when you decide
22 what you're going to do.

23 And so I feel like if -- and we have heard
24 this from the applicant -- if the applicant says we don't
25 know whether we are going to electrically connect them or

1 whether they are going to sit in the yard unconnected as
2 backup.

3 So I feel strongly that at this point with
4 what I now know and have been told, it needs to be the
5 total number that they are talking about putting on that
6 site.

7 MEMBER FONTES: Mr. Chairman.

8 CHMN STAFFORD: Yes, Member Fontes.

9 MEMBER FONTES: What if the applicant
10 cannot secure these specific units as well? Are you
11 going to name the units?

12 CHMN STAFFORD: We haven't gotten to that
13 point, we haven't gotten to that yet. We're still
14 focused on --

15 MEMBER FONTES: Understand.

16 CHMN STAFFORD: Thank you.

17 MEMBER FONTES: Yep.

18 CHMN STAFFORD: I think -- because I'm --
19 we could even just say the certificate's for 14 -- you
20 know, 700-megawatt nameplate and not talk about spares.
21 When we site a transmission line we don't talk about they
22 keep spare poles someplace.

23 MEMBER LITTLE: Those are not electrically
24 connected.

25 CHMN STAFFORD: Right. Well, and if they

1 have -- if they have 16 extra turbines laying around and
2 they're not connected, they're not part of -- hooked up
3 to the plant, then they're not part of the -- we're not
4 certificating those either.

5 MEMBER LITTLE: That's correct.

6 CHMN STAFFORD: So it gives me real
7 heartburn to say one thing and have it add it up to a
8 different number. So I guess, looking to my fellow
9 members, do we prefer to just issue the certificate for
10 the 700 megawatts? I think we're limited to that because
11 that's what the notice is for. I think we have a problem
12 if we say we're issuing a certificate for 850 megawatts
13 when all the notice said 700.

14 MEMBER LITTLE: Then, Mr. Chairman, if we
15 go the that route then I feel like we need to put a
16 condition in there that says that they can't electrically
17 connect them, the spares, the redundant ones. They can
18 only have connected 700 megawatts --

19 CHMN STAFFORD: Right. That's --

20 MEMBER LITTLE: -- to the system.

21 CHMN STAFFORD: If the certificate is for a
22 700-megawatt nameplate plant, that's what it is. It's
23 like they can't have 700 plus 150 hanging out waiting.
24 That would be capable of actually physically producing
25 850.

1 MEMBER HILL: Mr. Chair.

2 CHMN STAFFORD: One second. Member Fant
3 had his hand up and then Member Hill.

4 Member Fant.

5 MEMBER FANT: Thank you, Mr. Chair. Can --
6 maybe the applicant can help me. What does electrically
7 connected mean? Assuming you can leave them, you can
8 crane into position so they're all in position to be
9 connected if necessary. What's the definition of
10 electrically connected? How much of the wiring, how much
11 of the conduit, et cetera, can I connect and still not be
12 electrically connected?

13 CHMN STAFFORD: We're looking at you,
14 Mr. Crabb.

15 MR. CRABB: I don't know if there's an
16 agreed industry standard definition to that. Maybe I'll
17 just restate what I was attempting to communicate is that
18 in no instance would we have all 17 units electrically
19 connected.

20 When I was articulating whether we would
21 install the three spares, it is faster to install a
22 transformer or to move a transformer from one of the
23 operating 14 to one of the spares than it would be to
24 fully crane out a unit and crane in a unit.

25 And so it's likely that we will have some

1 sort of switch-over capability or format. But it would
2 never be contemplated that more than 14 would be
3 energized into the grid and allow electrons to flow,
4 however they flow with the spare or redundant units in
5 this circumstance.

6 CHMN STAFFORD: Member Hill.

7 MEMBER HILL: I feel like we've looked at
8 facilities like this and redundant units have been
9 counted as units. And when we've talked about operation,
10 we've talked about operation and maintenance on units
11 that go down so that they can energize the other units.
12 And so I think at the end of the day they're getting --
13 they aren't fully redundant. They're being used as
14 consistently as any of the others.

15 I am curious how you -- how you see that
16 different in the other plants that we've approved where
17 all the of plant were identified as part of the
18 nameplate, and how you define this redundant term. Or --
19 is is someone else doing this? Like can you -- or maybe
20 you're just brilliant and you came up with that concept
21 on your own, but where did it come from?

22 MR. CRABB: I wish I could I have some
23 degree of brilliance. No -- yeah, I think this is really
24 just a response to the ever-increasing sensitivity and
25 supply chain constraints for replacements, right?

1 So you didn't always have spare
2 transformers on sites, but as those supply chains went to
3 18, 24 months, and some of the NERC and NERC studies
4 started looking at major challenges to grid reliability,
5 right, if you have three or four substations go down and
6 an entire seaboard can't be energized for 12 months. So
7 that's an extreme. This is more a micro reaction to that
8 level of constraint. It is not meant to solve, you know,
9 a week-long O and M program or maintenance schedule.

10 MEMBER HILL: That's good to know. That's
11 different.

12 MR. CRABB: That's generally managed
13 contractually. This is more for if there is a major
14 outage. We are entering a period where supply and demand
15 is expected to stay constrained, and if you have to wait
16 three years to replace contractual capacity, like there
17 is no insurance product for that reliability. Right?

18 But we can manage a week or two of outage
19 on the shoulder months for these types of units that run
20 infrequently anyway. That is generally managed on an
21 operational and a contractual basis without much of a
22 challenge.

23 MEMBER HILL: Okay.

24 CHMN STAFFORD: Member Fant.

25 MEMBER FANT: Thank you, Mr. Chair. I'm

1 going to call my experience with refineries and chemical
2 plants. I used to be a Mobile attorney. For me
3 electrically connected means energized. So in my mind,
4 I'm putting this out for the committee for discussion.

5 In my mind there's no problem -- because
6 it's so hard to find heavy cranes, they're all camped
7 over at the Taiwan semiconductor manufacturing facility
8 site right now. There's about 57 cranes out there.

9 If you have the opportunity to put these in
10 site and connect them, physically connect them, wiring,
11 conduits, piping, all the systems, for me as long as it's
12 deenergized it's not electrically connected.

13 But is my understanding similar to the rest
14 of the members? Because when you bring a construction
15 crew in, and cranes, you want to set them all at one
16 time. Wire them so they wire similarly. And then you
17 can leave three of them disconnected. Is that what we're
18 talking here?

19 MR. CRABB: Yes.

20 MEMBER FANT: I don't see a need to set
21 them aside. That's a fairly expensive effort to come
22 back and put the three in place. But I'm throwing that
23 out for conversation since it's new.

24 CHMN STAFFORD: Yes, this is indeed new. I
25 recall, was it the Baccara project where they had 18 of

1 the Siemens generators and they said they were never
2 going to operate two of them, that they would be
3 redundant spare units. But they counted to the total
4 megawattage of the entire plant. That's how they
5 operated it.

6 So I think, I don't want to start carving
7 out -- if you got the plant sitting on the ground they're
8 part of the nameplate capacity. As you start configuring
9 them different ways, we can play games with the nameplate
10 total capacity that makes me really uncomfortable.

11 MEMBER LITTLE: Mr. Chairman.

12 CHMN STAFFORD: One second, Member Little.
13 And then my other thought is how long can you actually
14 have redundant units on site? I got to assume that the
15 first round is 350 megawatts. You're not going to have
16 redundant units, you're going to get these -- because
17 these particular generators, the LM6000s are, you're
18 getting that scalpers; right? I mean they've been
19 purchased by the -- from the manufacturer by somebody
20 else and you're getting them from middlemen somewhere;
21 right?

22 MEMBER HILL: The gray market is what the
23 term was, which was new to me.

24 MR. CRABB: It is an option. I would say
25 we have some strong relationships with GE as well, and

1 they continue to have an ever-evolving supply chain, and
2 in different sizes and at different price points, their
3 delivery schedule may be different at any point in time.

4 We prefer that route. Yeah. I don't know
5 what I did to assume everything we do is with scalpers,
6 but there may be a broker associated with that.

7 No, look, there may be -- yeah, it's not
8 necessarily contemplated that we would not add the spares
9 until we reached that full capacity because the --

10 CHMN STAFFORD: Why would you have three
11 spares before you have at least 14 units operational to
12 get you to 700 megawatts?

13 MR. CRABB: Correct. We probably wouldn't
14 build all three, but there is a world where, right, the
15 need for the spare units exists. And so there is a world
16 where we build the first 350 megawatts and then have one
17 spare to satisfy reliability requirements.

18 Again, it is an evolving need of our
19 customers, and we won't make that final determination.
20 There is a price reliability tradeoff that they will go
21 through.

22 CHMN STAFFORD: Okay. Well, I think -- one
23 second, Member Fant. Member Little, then Member Fant.

24 I still -- I still -- I don't like the idea
25 of counting, hey, there's other units that don't count

1 towards the total megawatts of the plant that are there.

2 I would feel better off issuing a
3 certificate for the 14 units to 700 megawatts, and then
4 if you have spares there, you have spares there. And
5 then if you feel you need to modify it to it say, hey, we
6 actually increased the megawatts of the plant by
7 150 megawatts, the Commission may do that without a
8 hearing.

9 Say, well, the impact is negligible, it
10 still complies with the air permit, it doesn't increase
11 the physical footprint. There's no -- I mean, that's --
12 I think we should have a number that matches the math,
13 adds up. For issuing a certificate for 700 megawatts, it
14 should be for the number of units to add up to
15 700 megawatts.

16 MR. ACKEN: Chairman Stafford.

17 CHMN STAFFORD: Yes, Mr. Acken.

18 MR. ACKEN: If I could speak on this. You
19 know, we look at it and I look at it as I'm trying to
20 look at the thermal plant as a whole.

21 Remember, so you look at the statutory
22 definition of a thermal plant, each separate unit with a
23 nameplate rating of 100 megawatts or more.

24 Well, guess what? We all know there isn't
25 a CT with a nameplate of 100 megawatts. That's being

1 litigated separately. And so I try to look at, okay,
2 let's take that issue separately and let's look at this
3 facility as a whole, which I think makes some sense. And
4 our application, testimony says we are asking for the
5 ability for a nameplate capacity of 700 megawatts,
6 operations will be less than that, nameplate capacity of
7 700.

8 If there are additional units, they're on
9 site not electrically connected, my view is they don't go
10 into the nameplate capacity of the plant unless and until
11 they're part of the whole. And they aren't part of the
12 whole when they're sitting there as spares. So that's
13 intellectually how we framed it.

14 As far as how you draft it, I think we're
15 pretty agnostic. The point of this was to be
16 transparent, right, and say, so no good deed goes
17 unpunished, right?

18 We're putting 17 units on there. We want
19 it up to 17 units, but we want to tell you why the math
20 adds up to 700. Because three of them are going, we're
21 not going to run 17 units at a time.

22 So however this committee decides they want
23 to draft it, I assume, you know, it's something that we
24 can live with as long as the ability to push out
25 700 megawatts as we requested, that's our goal at any one

1 time. Pursuant to the nameplate.

2 CHMN STAFFORD: Okay. Because I thought we
3 went round and round about how it's actually going to
4 push out about 600 megawatts with the 700-megawatt
5 nameplate.

6 MR. ACKEN: If it's operating on a 40
7 degree day in January for some reason, maybe it gets
8 close. I don't know. Mr. Crabb could testify.

9 CHMN STAFFORD: Member Little.

10 MEMBER LITTLE: In response to Mr. Fant's
11 question about what does electrically connected mean, you
12 know, a spare transformer sits in a yard, sitting in a
13 yard next to other spare transformers.

14 In order to install it, you have to take it
15 over to the spot and you have to, you know, electrically
16 interconnect it to the system. You have to bring the
17 wires from the transformer to the transmission line or
18 the distribution line.

19 Electrically connected for these generators
20 to me means that it is all -- it is wired up, ready to go
21 when you throw a switch. In other words, it's installed
22 the same way. It's just not switched into the system.

23 If I were designing this system for
24 reliability, that's what I would want to do. But if that
25 is done, then I believe that it is part of the system and

1 we need the 850 megawatts.

2 If that is not done, if it's just sitting
3 on a pad, we don't need a crane. It's just sitting on
4 the pad, but there is no electrical connection possible
5 without installing some wires, then it is not -- it can
6 be I think called a spare.

7 MR. ELLIS: Let me --

8 MEMBER LITTLE: That is not as reliable.
9 You know, it's more reliable than having to order a whole
10 new generator, yes. But it is not as reliable as having
11 it electrically connected but not -- not providing power
12 to the system.

13 CHMN STAFFORD: Okay. Mr. Ellis.

14 MR. ELLIS: If I might. Chairman Stafford
15 and members of the committee, I think we can move on from
16 this point. BrightNight's willing to accept reduction of
17 14. We understand the concerns around the ambiguity. We
18 respect that.

19 If for some reason we felt it was important
20 and, by the way, Member Little, I completely agree with
21 you if we're going to have spares there, we want to have
22 them electrically connected so we can throw a switch and
23 not have to bring a crane in. But that's something we
24 can handle with an amendment in the future. So we can
25 move on today. We are willing to draft this round 14 and

1 live with that for the time being. Thank you.

2 CHMN STAFFORD: Thank you. Member Fant.

3 MEMBER LITTLE: Thank you.

4 MEMBER FANT: One last comment, Mr. Chair,
5 and thank you. This is the scenario we've talked about
6 with the nuclear, the SM, small scale nuclear, modular
7 nuclear. I assume if it's 100 megawatts you can add
8 another generator out there. If it's a 50 megawatt.

9 In other words, if you individually
10 interconnect one of those three generators with the
11 50-megawatt nameplate capacity, you don't have to come
12 back to the ACC, do you?

13 MR. ACKEN: Mr. Fant, I'm sorry. It's been
14 a long time. I missed that.

15 MEMBER FANT: Oh, okay.

16 MR. ACKEN: My apologies. I didn't realize
17 it was directed to me. So now you know what my kids and
18 wife feel like.

19 MEMBER FANT: If it's under 100 megawatts
20 it's not jurisdictional for the ACC; right?

21 MR. ACKEN: That's correct.

22 MEMBER FANT: So what if you put on the
23 pads, don't connect them, but then if you connect one,
24 add 50 megawatts, and you're still under all your water
25 and air permit requirements, I assume you don't even have

1 to come back to the ACC.

2 MR. ACKEN: It gets tricky because we don't
3 have clarity on that definition. And so if we have a
4 700-megawatt plant and it's no longer -- and a subsequent
5 court says no, that includes the units now, now I don't
6 have a 700-megawatt plant.

7 If -- if the courts say, you know, you
8 didn't need authority for the combustion turbines at all,
9 well, then yes, then we would, then we would have that
10 authority. But we're here, we're requesting authority
11 because of the ambiguity.

12 I still think, I hear what Mr. Ellis said.
13 I guess I'm a little -- I shouldn't disagree with my
14 client but I think there is, you know, we're trying to
15 accomplish -- we're trying to solve a difficult problem.

16 And we're trying to make it -- again, I'm
17 like, I feel like we came with good intentions and that's
18 okay. But we don't want to have to come back to the
19 Commission. We don't want to have to come back to the
20 committee.

21 You're busy, we're busy. And I don't want
22 to have to go back to the Commission to flip a switch and
23 request authority to put on three extra units to get up
24 to 850.

25 I thought, you know, the intention is we'll

1 operate 700 megawatts at any one time. And the CEC can
2 be drafted in that way. I would like the authority to
3 have those additional units, because I think, I see it --
4 I see it a lot. We saw it in the APS rate case, there is
5 an extreme, and this committee can take judicial notice,
6 I believe, of some of the testimony there.

7 There is unbelievable demand for new
8 resources. We're going to be scratching and clawing for
9 every megawatt we can get. And if you have the
10 opportunity to approve this with what I consider an
11 elegant solution, I encourage the committee to do so.

12 CHMN STAFFORD: My position, my
13 interpretation of the statute would be if once you get
14 the certificate for 700 megawatts you can't just add less
15 than a hundred, add less than a hundred, add less than a
16 hundred. It's a certificated plant and it's going to
17 have to get amended to increase the total output.

18 MEMBER FANT: You could add one, though;
19 right?

20 CHMN STAFFORD: No. No. If you add one by
21 itself, then you don't need a certificate.

22 MEMBER FANT: Right.

23 CHMN STAFFORD: Once you get a
24 certificate --

25 MEMBER FANT: Oh, I see.

1 CHMN STAFFORD: -- you're authorized for
2 that amount. If you go above that, you need to get that
3 certificate amended.

4 MEMBER FANT: Okay. How hard is an
5 amendment?

6 CHMN STAFFORD: It depends which day of the
7 week you file.

8 MR. ACKEN: And the makeup of the
9 Commission at the time you file.

10 CHMN STAFFORD: Yes. I mean, some requests
11 can be dealt with very quickly and other ones take
12 longer. It just depends on work flows, whose job it is
13 to look at it, what to -- what's going on, what else is
14 going on. They don't have a statutory, there's not a
15 statutory time frame for them that they're required to
16 act within like the committee is.

17 MEMBER FANT: Okay.

18 CHMN STAFFORD: So I think we've got -- I
19 think we flogged that one.

20 The next one we talk about the air quality,
21 The initial permits for the 350 megawatts, and that's
22 output, not -- that's looking at operating capacity, not
23 nameplate capacity; correct? In terms of the air quality
24 permit.

25 MR. CRABB: Correct.

1 CHMN STAFFORD: Okay. All right.

2 I guess we talk about the -- regardless
3 what the certificate says, you won't be able to, even if
4 the certificate says you can build 700 megawatts
5 nameplate, the air permit is what the air permit is.

6 MR. CRABB: Correct.

7 CHMN STAFFORD: So you're not going to be
8 able to operate -- well, because the air permit, it's
9 about -- limits total emissions. It doesn't tell you
10 when -- do you have monthly limits? Is there -- but
11 there's not a megawatt limit on the air permit, is there?

12 MR. CRABB: There are ratable limits and I
13 can't recall if there are different periodic limits,
14 weekly, monthly, but it does look at the emission rate
15 and the annual emissions.

16 If I may, I would add on if the substance
17 of the discussion yesterday was accurate, that if we were
18 to double the capacity and then have the capacity
19 factors, the annual emissions would be equivalent, but
20 importantly we don't have unilateral authority to do that
21 under the air permit.

22 The air dispersion modeling and the
23 specificity of that permit is around the eight units or
24 350 megawatts of operating capacity and done on a point
25 source basis.

1 And so even if we were to keep the same 350
2 and we were just to change the site layout and move a
3 unit 20 feet to the east, we would have to go back to
4 ADEQ and request an amendment.

5 They have some level of authority based on
6 the magnitude of said amendment as to how much of the
7 public hearing process they go and repeat.

8 Increasing capacity would -- I can't speak
9 for ADEQ, 99.999 percent chance it would -- that is a
10 fairly substantive amendment and would most likely go
11 back through a full public hearing process similar to
12 what they are working on the current permit for.

13 CHMN STAFFORD: Okay. So the operation of
14 the plant would be constrained by the air permit
15 regardless of what the certificate says. So if it's
16 certificated --

17 MR. CRABB: Correct.

18 CHMN STAFFORD: -- for 700 megawatts and
19 the air permit says only going to allow emissions for
20 350 megawatts, you can't run it beyond 350 megawatts.

21 MR. CRABB: Correct.

22 CHMN STAFFORD: So I think that's --
23 because that was the other thing I wanted to talk to the
24 members about. Do we want to approve it as phases based
25 on the air permit, but I don't -- looking, hearing that,

1 I don't think that's necessary. Member Little.

2 MEMBER LITTLE: My question is mostly
3 educating me. Given what you've just said about the
4 350-megawatt limit based on the air dispersion and stuff,
5 when you sign an LGIA that is demand or reliability, then
6 the maximum demand or megawatts that you can put on the
7 system is 350, right, not 700?

8 MR. CRABB: If I -- let me try to address
9 that. The -- yes, your maximum operational capability is
10 limited by your air permit. The LGIA doesn't look at
11 capacity factors as much. They look at maximum
12 performance of the grid infrastructure.

13 And so they will look at sort of overloads
14 of various components based on the maximum export
15 capability. And so we do provide -- this may be more
16 information -- well, you would know this, but we do
17 provide sort of performance curves of the various
18 technologies so that the grid operator can evaluate that
19 maximum performance case under certain ambient
20 temperatures, because impedance and some of those other
21 issues on the grid do change with ambient temperature.

22 But we don't provide 8760s or dispatch
23 methodology or dispatch restrictions to the grid
24 operator. They don't really care. They're looking at
25 worst-case scenarios, which is our maximum export.

1 MEMBER LITTLE: Understood. But I guess
2 maybe my question -- I know my question was not well
3 phrased.

4 But for planning purposes for the area,
5 would your plant be considered to be a 350-megawatt plant
6 or a 700-megawatt plant? And that has no bearing on this
7 CEC, it's just for my information.

8 MR. CRABB: Yes, so I guess there's
9 multiple layers of planning to that as well. So the
10 utilities, the actual consumers of that capacity will
11 look at planning scenarios based on the capability of the
12 plant.

13 So it will be whichever is the limiting
14 factor in that, whether that's the CEC permit, the LGIA,
15 or the air dispersion modeling, or any other number of
16 other permits; right? Like, we can't contract a plant
17 that we don't have those full authorities for.

18 And then those load-serving entities will
19 look at -- and they run very sophisticated models on
20 dispatch limitations; right? That'll be part of our
21 contract that they didn't call on the unit beyond what
22 its performance is around all of the different
23 consumables and components of the facility.

24 The grid operator is looking more at a
25 maximum case, sort of worst-case scenario on the

1 transmission system, which is sort of WAPA's bubble, if
2 you will.

3 In some jurisdictions that transmission
4 operator is also the load-serving entity, in which case
5 they have two different groups that may or may not talk
6 to each other on how they look at those different
7 scenarios.

8 MEMBER LITTLE: Thank you. That was an
9 excellent answer and I appreciate it.

10 MEMBER HILL: Mr. Chair.

11 CHMN STAFFORD: Yes, Member Hill.

12 MEMBER HILL: I agree with your conclusion.
13 I don't think we need to break this out into phases. I
14 think the project is described as 700 megawatts and so
15 many units.

16 CHMN STAFFORD: Now, another quick
17 follow-up question. For the conditional use permit for
18 the power plant, how is it described to them? Size of
19 the plant? I think you said this already but please
20 refresh my memory.

21 MR. ELLIS: If you give us just a moment,
22 we're pulling that up.

23 CHMN STAFFORD: Okay. Perfect. While
24 they're doing that let's go on.

25 MEMBER FANT: I thought Kenda was --

1 CHMN STAFFORD: What?

2 MEMBER HILL: Can I ask one question?

3 CHMN STAFFORD: Hang on a second. I got
4 people talking, I can't hear what -- Member Fant.

5 MEMBER FANT: I thought Kenda had something
6 to say.

7 CHMN STAFFORD: Oh, Ms. Pollio.

8 MS. POLLIO: I'm sorry.

9 CHMN STAFFORD: Ms. Pollio, do you have
10 something to say?

11 MS. POLLIO: No, I was apologizing -- I
12 apologize.

13 CHMN STAFFORD: Okay.

14 MS. POLLIO: I was just waving to my
15 friends that are helping.

16 CHMN STAFFORD: All right. Member Hill.

17 MS. POLLIO: Thank you, though.

18 MEMBER HILL: Member Hill, you had
19 something?

20 MEMBER HILL: Yeah. Mr. Crabb, I think
21 this is just probably just an error in the conversation,
22 but you keep referencing the eight units in the air
23 quality permit, but when I'm looking at the air quality
24 permit, it looks like it's 10 LM6000s, and I'm just
25 thinking maybe you misremembered the number.

1 But then I was thinking is this about the
2 spare units, and so are the spare units part of your
3 consideration for the air permit? Am I seeing that
4 right?

5 On page -- in Figure 5.4 of the scenario 2
6 map, it shows 10 LM6000s, and I think you've been saying
7 eight and I've just been chalking that up to it's just
8 misremembering the number, not a big deal. But then if
9 the spare units were part of is what I was trying to
10 figure out.

11 MR. CRABB: Yeah. If you go to page 4-1,
12 the 4.2 proposed design configurations, you're right, we
13 did include two spares, and that's the 10.

14 MEMBER HILL: Okay.

15 MR. CRABB: The eight is really what we're
16 expecting --

17 MEMBER HILL: I just wanted to make sure
18 that --

19 MR. CRABB: No, thank you. Thank you.

20 MEMBER HILL: -- I wasn't -- yeah. Okay.

21 MR. CRABB: As you can tell we looked at a
22 number of configurations here, and so I appreciate the
23 clarification.

24 MEMBER HILL: No worries. I've been
25 chalking it up to, but then I started thinking about the

1 spares, so I just wanted to ask for clarification. Thank
2 you.

3 MR. ACKEN: The note being handed to me by
4 the people who actually know says that the county CUP
5 authorized 600 megawatts. As we talked the other day
6 that wasn't nameplate capacity. And it doesn't specify
7 the number of turbines at all.

8 CHMN STAFFORD: Okay. Thank you.

9 MR. ACKEN: The county approval process.

10 CHMN STAFFORD: All right. All right. And
11 then I think moving on in the BLM, what's attached to the
12 application mention -- described the 230kV line as single
13 circuit.

14 But I think that was amended in Exhibit 16.
15 The updated plan of development describes it as a double
16 circuit, which is what you're asking for is a double
17 circuit for this line, for 263; correct?

18 MR. ACKEN: Correct. We are asking for
19 authority to do double circuits with the likely
20 expectation or certainly we want the flexibility for
21 single circuits from the thermal plant substation to the
22 solar and BESS substation.

23 CHMN STAFFORD: And then we talked about,
24 in Exhibit C of Hearing Exhibit 1 to the application, the
25 letter from Game and Fish. It talked about gen-tie and a

1 data center.

2 You have touched on this before, but there
3 is no data center contemplated being served directly by
4 this power plant, both either the thermal or the
5 renewable; correct?

6 MR. ELLIS: Chairman Stafford, you are
7 correct. At one point, it was contemplated, right, and
8 as I described yesterday in my testimony, oftentimes when
9 you're seeking development you'll throw everything and
10 the kitchen sink in your description.

11 As we have moved forward with this and
12 specifically with discussions with oftakers, we are
13 permitting this as an energy center generation only.

14 When we went before the county we were very
15 specific and discussed precisely this point with the
16 county and that is for generation only at this point.

17 And so for the record we are only planning
18 on this as generation, and if we ever did want to expand
19 it to include a data center, as I mentioned yesterday, we
20 would spend a significant amount of time winning the
21 support of the community, and if we were not able to do
22 that, then we would not proceed with the permitting, and
23 so that's where it is at this stage.

24 CHMN STAFFORD: Now, would the data center
25 need a special use permit or a conditional use permit to

1 site in this area?

2 MR. ELLIS: Yes, we would have to go back
3 to the county and seek their express approval in order to
4 proceed with the development of a data center.

5 CHMN STAFFORD: Okay. So the Game and Fish
6 letter was in response to your initial shotgun approach
7 before you have refined the scope of the project, then?

8 MR. ELLIS: That's a fair description.

9 CHMN STAFFORD: Okay. Thank you. All
10 right. And then, let's see, and then the water use,
11 looking at Exhibit B of Hearing Exhibit 1, the
12 application, there's the groundwater basin analysis and
13 modeling.

14 Now, again, this one it describes it as a
15 600-megawatt gas plant. Again, that's -- to clarify that
16 is speaking in terms of operating capacity, not nameplate
17 capacity.

18 MR. ELLIS: Correct.

19 CHMN STAFFORD: And then we had -- and when
20 you did the water use assessment, look to page 1, the
21 CliffsNotes it says you're going to use 160 acre feet of
22 water per year for the 12-month construction period and
23 then 10 acre feet annually for the thermal plant and then
24 an additional two for the rest of the energy facility;
25 correct? That hasn't changed?

1 MR. CRABB: That's correct. I would think
2 of that too as sort of potable water, which could include
3 use at the thermal facilities. That may be a very minor
4 distinction.

5 CHMN STAFFORD: Okay. And then I'm looking
6 to Member Meeker, currently under the current rules and
7 laws for La Paz County since it's not active management
8 here, they're not required to report any pumping numbers
9 from their well; correct?

10 MEMBER BEEKER: That's correct, Mr. Chair.
11 One point of clarification. Community water systems that
12 are located outside of active management areas do report
13 annual water usage to the department, so I think you were
14 going to drill -- if I recall, you were drilling your own
15 well so that would not be the case.

16 But if you were receiving water from
17 another community water system within the area, they
18 would be required to report that they were delivering
19 water to your facility, and that would be reported to the
20 department. So that would be a question for the project
21 managers.

22 CHMN STAFFORD: I'm looking to the
23 applicant. I think, I seem to recall testimony that
24 there was the possibility of getting municipal water was
25 explored, but at this point my recollection was that you

1 intended to drill that well that would have adequate
2 volume. You need a higher gallon-per-minute rate and
3 capacity of total volume coming out that was beyond what
4 the existing well on the site was.

5 MR. ELLIS: So currently our plan is to
6 drill a well. And we are doing that because we need that
7 well to support the needs of the battery and solar
8 project that we are under contract to provide.

9 We have already had discussions with the
10 McMullen Water District about potential water supply for
11 the gas facility.

12 So I would say that all kind of options are
13 open, but we have actively explored that and even signed
14 an exploratory letter of intent with the water district.

15 CHMN STAFFORD: The McMullen Water
16 District, they serve this -- they serve Weldon.

17 MR. ELLIS: Wenden.

18 CHMN STAFFORD: Wenden. Excuse me.

19 MR. ELLIS: Yes. McMullen Valley Water
20 District, yes.

21 CHMN STAFFORD: Okay. And they serve the
22 farmers in the area -- they use -- they have their own
23 groundwater, they have access to surface water. Do
24 they -- they provide end use water, potable, they provide
25 irrigation water as well.

1 MR. ELLIS: I'm not sure about the
2 irrigation water purpose. But I am -- my understanding
3 is yes, they do serve the residents of Wenden with
4 potable water.

5 CHMN STAFFORD: Okay.

6 MEMBER HILL: Mr. Chair.

7 CHMN STAFFORD: Yes, Member Hill.

8 MEMBER HILL: So 12 acre feet a year of
9 potable water. So that's -- you'll use that -- potable
10 was the question that I had. Is that like if you have to
11 do R0 because you need a certain quality, you're using
12 12 acre feet a year of the R0 water that comes out of
13 that?

14 So there's like a lot of water loss
15 associated with R0. So I'm trying to figure out is this
16 posttreatment or pretreatment? How much are you pumping?

17 MR. CRABB: Yeah, this volume is a
18 pretreatment number and part of why we're exploring some
19 of the other solutions is to further augment potential
20 loss associated with that treatment.

21 MEMBER HILL: That's great.

22 MR. CRABB: And including some of the other
23 sort of storage water on site; right. So, again,
24 anything we can do to minimize that impact on the
25 community is really important to us.

1 MEMBER HILL: Okay. So it's 12 acre feet a
2 year of water that you're going to pump?

3 MR. CRABB: Correct.

4 MEMBER HILL: Okay. And that will address
5 all of the fire -- I can't remember --

6 MR. CRABB: Yeah. There will be, if you
7 look closely at that site map, there will be storage
8 tanks, aboveground storage tanks is currently
9 contemplated for the appropriate fire suppression.

10 MEMBER HILL: Okay. Great. Thanks.

11 CHMN STAFFORD: Okay. Member Little.

12 MEMBER LITTLE: Mr. Chairman, thank you. I
13 had also had a question about this. I was thinking I had
14 heard in previous testimony that even though you're not
15 required to report your water usage that you intended to
16 do so. Am I correct or am I misremembering?

17 MR. ELLIS: Thank you, Member Little.
18 You're not misremembering. We are prepared to do that
19 and have given that some thought how we could do that.

20 I'll address it here, is we are going to
21 maintain a project website and we'll post those annual
22 water figures on our website, and that will be made
23 available to, you know, everyone has access to the
24 Internet.

25 I would also like to clarify my earlier

1 statement as to Wenden Domestic Water District, not
2 McMullen. I got the first word of that agency wrong.
3 It's Wenden.

4 CHMN STAFFORD: And McMullen is what, then?
5 What is McMullen?

6 MEMBER FANT: Irrigation district.

7 CHMN STAFFORD: That's the irrigation
8 district. Okay.

9 MEMBER FANT: Irrigation and drainage.

10 CHMN STAFFORD: Okay. So you wouldn't --
11 you wouldn't be getting your water from the irrigation
12 district, you'd be getting it from the --

13 MR. ELLIS: From Wenden Domestic Water.

14 CHMN STAFFORD: Okay. Okay.

15 Member Meeker.

16 MEMBER MEEKER: I just wanted to confirm
17 for the record that the Wenden Domestic Water Improvement
18 District is the community water system and does report
19 their water usage to ADWR.

20 CHMN STAFFORD: Okay. All right. Now, the
21 applicant has expressed willingness to put the pumping
22 numbers on its website. I assume you'd also be willing
23 to provide that to DWR and I'm assuming DWR would like to
24 have that information?

25 MEMBER MEEKER: If they are receiving water

1 from the Wenden DWID, Domestic Water Improvement
2 District, that should be reported with their annual
3 report that they are delivering water to this facility.

4 So it would be included. But we would be
5 happy to also see that on their website and any other
6 additional reporting, that voluntary reporting that they
7 would like to submit, we always welcome that.

8 CHMN STAFFORD: I'm talking about the water
9 they pump from their own well on site assuming they don't
10 get any water from Wenden.

11 MEMBER MEEKER: Then, yes, if they would
12 like to report that on their website, that's --

13 CHMN STAFFORD: Would that be adequate or
14 would you prefer -- how do -- how do other water
15 companies submit the data to DWR? Do you have a
16 preference for that?

17 MEMBER MEEKER: We can't require that.

18 CHMN STAFFORD: The committee can require
19 it. The committee can require it as a condition. I'm
20 asking, DWR, how would they would prefer to receive that
21 information?

22 MEMBER MEEKER: I can check in with our
23 department and get clarification on how we would like to
24 receive that.

25 CHMN STAFFORD: Is it good enough to have

1 it on their website and you can go look at it?

2 MEMBER MEEKER: I would think so, yes.

3 CHMN STAFFORD: Okay. So it wouldn't be
4 additional, they could put it in one place, they don't
5 need to send you a form as well, they can just put the
6 information on the website and that would satisfy DWR.
7 That's the basic issue I'm trying to get to.

8 MEMBER MEEKER: Yes, Mr. Chair. I think
9 that would, and that would also provide transparency for
10 the community, I imagine.

11 CHMN STAFFORD: Okay.

12 MEMBER MEEKER: Thank you.

13 CHMN STAFFORD: Thank you. I think that's
14 what I have from the application itself.

15 Mr. Acken, there was a comment letter filed
16 in the docket filed by the Sierra Club raising some
17 issues with the application.

18 I'd like to have you address them, if you
19 would, please. I think the first one is about the
20 inconsistent descriptions of the distance from the
21 nearest home to the site boundary and the gas plant.

22 MR. ACKEN: Thank you, Mr. Chairman. And
23 just for the record, this is a public comment letter, not
24 a request to intervene, which would have been late, or a
25 request for a limited appearance, which I think also

1 would have been late.

2 But in order for a full, accurate record we
3 appreciate the opportunity to correct a number of the
4 misstatements in this letter.

5 As I understand correctly, you are looking
6 at page 3, the first question to me on the --

7 CHMN STAFFORD: Yes.

8 MR. ACKEN: -- the distances.

9 BY MR. ACKEN:

10 Q. So, Ms. Pollio, I'll turn this one to you. Have
11 you had a chance to review the comment letter filed by
12 the public commenter yesterday?

13 MR. ELLIS: We have.

14 MS. POLLIO: Yes. Sorry.

15 MR. ACKEN: Thank you, Mr. Ellis.

16 MS. POLLIO: Sorry. I was trying to get it
17 and I could not find the letter.

18 BY MR. ACKEN:

19 Q. It takes a panel. So I would like one of you to
20 address the question raised or the claim raised that
21 there was an inaccuracy in distances in the noise study.
22 How would you respond?

23 A. (Ms. Pollio) Yes, there was one location where
24 there was a -- I think it's on an amendment to the --
25 what is the word that I'm looking for? -- an update to

1 the sentence in our application.

2 And the -- it would be on the PDF page 526 is
3 the reference there. And if you look at the narrative in
4 this letter, the discrepancy is that while the noise
5 shows the nearest home is less than a thousand feet from
6 the site boundary -- let's see, it's actually the
7 sentence above -- I'm getting there. I apologize.

8 So the -- I apologize, it's the second sentence,
9 "The noise study provided in the CEC application states
10 the nearest residence is located 880 feet from the Eagle
11 Eye boundary. And the distance between the nearest
12 residence and the gas-fired plant is two miles.

13 "However, the application contradicts
14 incorrectly asserting the nearest residence is two miles
15 from the site boundary and three miles from the gas plant
16 boundary."

17 And so one was supposed to be the gas plant
18 boundary and one was the -- again we're talking about the
19 buffer of the gen-tie. So we were trying to describe the
20 two jurisdictional components in that sentence.

21 So the update should be the gen-tie boundary is
22 two miles away and the gas plant boundary is actually
23 three miles away.

24 So it's just a difference in the closest
25 residence is 880 feet from the energy center boundary.

1 The closest residence is two miles from the gen-tie
2 boundary and three miles from the generation site
3 boundary. So it is literally just that terminology that
4 was incorrect.

5 Q. So would you -- well, before you frame it as
6 incorrect, let me ask the question: Is it an inaccuracy
7 or are we -- or is it referring to different things?

8 A. (Ms. Pollio) It was referring to different
9 things. So the numbers are accurate.

10 Q. That was my question.

11 A. (Ms Pollio) Yes.

12 Q. So is any revision to either the noise study or
13 the CEC application necessary in response to this
14 comment?

15 A. (Ms. Pollio) There is one change and it would
16 just be instead of site boundary, it would be gen-tie
17 corridor boundary.

18 Q. Does it change the results of the noise study in
19 any way?

20 A. (Ms. Pollio) Absolutely not.

21 Q. And why is that?

22 A. (Ms. Pollio) Because first of all the gen-tie
23 is really not the primary noise source. We were just
24 trying to reflect the distance of the two jurisdictional
25 components. So the actual distance to the noise source

1 is accurate throughout the documents.

2 MEMBER FONTES: Mr. Chairman.

3 CHMN STAFFORD: Yes, Member Fontes.

4 MEMBER FONTES: Yes. Can you clarify,
5 because your noise study was done on the area, not a
6 point that you recommended yesterday. Can you clarify
7 your statement, though, with respect to that?

8 MS. POLLIO: So the noise study was done
9 for the area of the hundred-acre generation site. And
10 actually I can be -- clarify a bit more. The actual
11 80-foot proposed site boundary, that's the generation
12 site boundary.

13 So the distances are correct and the noise
14 studies reflect the distance to that site boundary and
15 the noise study was modeled from that 80-acre area.

16 MEMBER FONTES: Would you change anything
17 to assuage any concerns that this letter from the Sierra
18 Club intends to clear that up based on this study and
19 these comments, if you're going to do any modifications?
20 I'm just trying to make this more clear for stakeholders.

21 MS. POLLIO: Again, the inaccurate
22 language, again, the language was trying to reflect the
23 gen-tie component which, again, was not -- is not the
24 noise source. Minimal noise source. Nothing that would,
25 you know, it's not the primary noise source that was

1 modeled in the report.

2 So the noise study, there's no -- there
3 would be no need to update the noise study. It literally
4 is just those two words in the text of the exhibit
5 itself.

6 MEMBER FONTES: No, I understand that and
7 thank you for that clarification there. But what I'm
8 saying is the Sierra Club letter obviously is intended to
9 address noise potential issues on the generation as well.

10 You have an area study, we've got some
11 clarifications that they're asking about noise. I'm
12 stating beyond Mr. Acken's references on the
13 representations, is there anything you might offer in
14 changes if you make a change to the application that
15 could address the broader issues that the letter is
16 asking that you would suggest?

17 MS. POLLIO: Because the noise study
18 results are literally there is no, to the closest
19 sensitive receptors, there would be no difference from
20 background, which is literally zero impact, I don't think
21 that there would -- it is necessary to change the noise
22 report because there is, you know, there was some kind of
23 impact I can see that.

24 But we are literally at no impact, no
25 additional noise from background levels based on the

1 closest receptors. I feel strongly that the noise report
2 stands on its own.

3 MR. ACKEN: Maybe I can ask this a
4 different way.

5 BY MR. ACKEN:

6 Q. In your professional opinion, is the noise study
7 reliable and accurate?

8 A. (Ms. Pollio) Yes.

9 Q. And are the conclusions in the noise study
10 reliable and accurate?

11 A. (Ms. Pollio) Yes.

12 Q. And do they provide a foundation on which this
13 committee can reach the conclusion required by its
14 statutory review to assess noise emission levels and
15 interference with communication signals?

16 A. (Ms. Pollio) Yes.

17 MR. ACKEN: Thank you.

18 MEMBER FONTES: I wasn't asking about the
19 noise study, Mr. Acken, whatsoever. But I thank you for
20 that.

21 What I was asking and referring to is can
22 there be additional changes to either the application or
23 the representations on the distance that could
24 incorporate that can assuage the implications of what the
25 Sierra Club letter the Mr. Chairman asked about or that

1 the -- Ms. Pollio might suggest.

2 MS. POLLIO: I would suggest that we clear
3 up the record, that two words in our application need to
4 be modified. That would be -- that is my suggestion is
5 that that needs to be on the record to clear up that
6 inaccuracy of literally the two words. Instead of site
7 boundary it should be gen-tie boundary.

8 MEMBER FONTES: To reflect the area that is
9 corresponding to the noise study. I think that's right,
10 but I was just trying to suss out here if you had
11 additional phrases that might address this just to put to
12 rest any kind of concerns.

13 MS. POLLIO: I do think that's the
14 clarification and really this paragraph does not seem to
15 be concerned about the noise itself. Because clearly
16 there's no noise at the closest receptor. So it really
17 is about those two words and I think that clears it up.

18 MEMBER FONTES: Great. You've assuaged me.
19 Mr. Chairman, I was just seeing if she had additional
20 context and a narrative that might add to that, but I'm
21 satisfied if you are.

22 CHMN STAFFORD: Yes. Thank you. Moving on
23 to the second one, you have since entered the air permit
24 application into the record as well as the revised permit
25 submittal as Hearing Exhibits 15 and 17. I think you've

1 explained what the 350 megawatts means in that.

2 And what -- and if you want to go beyond
3 that you'll have to amend this permit; correct? And go
4 through the public process?

5 MR. CRABB: Correct.

6 CHMN STAFFORD: Under the -- assuming that
7 the permit as requested is issued, what is the projected
8 CO2 emissions from this plant? Maybe let me do the math
9 on that, but I would have to assume, I think part of the
10 challenge is we would have to assume some --

11 CHMN STAFFORD: Capacity.

12 MR. CRABB: -- impact frequency; right?
13 Which is likely not our control from a contractual
14 perspective, but let me get you an estimate.

15 CHMN STAFFORD: What's -- and based on the
16 terms of the air permit, you know, your pollutants are
17 limited to 30 percent capacity factor?

18 MR. CRABB: Correct. On the CO2 that's
19 governed by greenhouse gas protocol, which is a firm
20 limit of 30 percent.

21 CHMN STAFFORD: So just give us the maximum
22 you could emit on the annual basis, then.

23 MEMBER FONTES: Mr. Chairman, does your
24 question suppose that they're going to use that specific
25 LM6000 units? Because that answer is going to vary on

1 different units.

2 CHMN STAFFORD: Yes, I'm assuming LM6000s.

3 Thank you.

4 MEMBER FONTES: Okay. Thank you.

5 CHMN STAFFORD: That is the preferred unit;
6 correct? That's what you really want is the LM6000;
7 correct?

8 MR. CRABB: Correct. There will be some
9 minor variance, but the different combustion turbines or
10 reciprocating engines that we are looking at have very
11 comparable heat rates, and so they consume similar
12 volumes of gas and will emit similar volumes of CO₂, not
13 exact, but --

14 CHMN STAFFORD: Right, I recall looking,
15 and the differences seem to be less than 1 percent across
16 the units.

17 MR. CRABB: Yeah, I couldn't speak to the
18 exact, but yes, they'll be small. They all use the
19 similar best available control technologies and have
20 similar heat rate performance characteristics that are
21 the main drivers of the pollutants.

22 It's the volume of natural gas that is
23 consumed and when you combust that, it emits those
24 pollutants.

25 CHMN STAFFORD: Okay. I'll let you do that

1 math we'll move on to the next one.

2 MEMBER FONTES: Just an observation, if you
3 have refurbished and repackaged units, there is heat rate
4 degradation and CO2 increases even though you may have an
5 LTSA that you cannot control or predict in outlying
6 years.

7 So I hear what you're saying, but that's
8 why I'm asking, is this on the LM6000 new units or used
9 units or what are we talking about here, just so we're
10 clear.

11 MR. CRABB: I'll do it on the LM6000.

12 CHMN STAFFORD: New.

13 MEMBER FONTES: Thanks. Just so we're
14 clear for Mr. Chairman here and his observations on
15 nameplate capacity and we're consistent. Thank you.

16 CHMN STAFFORD: Just let us know what your
17 assumptions are when you give us the number, and if that
18 spurs more questions, I'll ask them then. But I just
19 want kind of a baseline what we're talking about.

20 All right. On the next one about the
21 project's water sources. I think we've -- plan A is to
22 drill the well. You're committed to voluntarily
23 reporting all water pumped from that well. If you do
24 switch to a municipal source, that would be Weldon [sic]
25 and they already report to DWR?

1 MR. ELLIS: That's what the record
2 reflects.

3 CHMN STAFFORD: I see Member Meeker
4 agreeing.

5 MEMBER MEEKER: Yes, Mr. Chair. They are a
6 community water system and they do report annually their
7 water usage, including what they deliver to other systems
8 or entities.

9 CHMN STAFFORD: All right. Thank you.
10 Next up would be the light pollution. Mr. Acken.

11 MR. ACKEN: Mr. Chairman, thank you for the
12 opportunity to respond to this one. I think there's
13 some -- pretty clearly there's some pretty clear
14 misunderstandings or misrepresentations in this letter.

15 And so Ms. Pollio, you evaluated visual
16 resource impacts; is that correct?

17 MS. POLLIO: Correct.

18 BY MR. ACKEN:

19 Q. And would lighting, outdoor lighting have been
20 some component of the visual resource analysis that you
21 conducted?

22 A. (Ms. Pollio) We do consider it if we think the
23 lighting is definitely on top of stacks or is going to be
24 extremely bright or is not downward lighting. So, yes,
25 we did consider lighting.

1 Q. What did you -- what were your findings with
2 respect to lighting associated with the thermal plant?

3 A. (Ms. Pollio) The -- and, again, the applicant
4 can address details if we have them about lighting. But
5 the intent is that the only lighting at the facility
6 would be security lighting that would be required, again,
7 just for security purposes. The stack heights are not at
8 the height where they would need the FAA lighting on top
9 of the stacks. So lighting would be very low and
10 basically, again, more at building level for security
11 purposes only.

12 Also, we are committed to the mitigation
13 measures for lighting that are recommend by Arizona
14 Department of Game and Fish. This is something
15 BrightNight commits to regardless, but I think it's
16 important to note the reference in this letter is
17 referencing our mitigation table and that mitigation is
18 an exact mitigation from the Department.

19 Q. And when you say the reference, are you
20 referring to -- correct me if I'm wrong, this would be
21 Exhibit -- excuse me, Footnote 26?

22 A. (Ms. Pollio) Correct.

23 Q. Okay. So walk us through what Footnote 26,
24 Exhibit C at 27 of 28 actually is.

25 MS. POLLIO: So that is the mitigation

1 table. And the reference is the PDF page number, but
2 this is also --

3 CHMN STAFFORD: This is Exhibit C to the
4 application, which is Hearing Exhibit 1.

5 MS. POLLIO: Exactly. That's what I was
6 looking for that is that C number. So it is Exhibit 1,
7 Exhibit C, and that is on page Exhibit C-27, which is
8 also the same as the PDF reference in the letter.

9 CHMN STAFFORD: Member Fant.

10 MEMBER FANT: Thank you, Mr. Chair. I
11 assume you're not part of the Pacific Flyway here? This
12 is too far east, or is it fringe Pacific Flyway?

13 MR. MARTIN: It would be too far east.

14 MEMBER FANT: That's what I thought. So
15 there's no migratory birds, your concerns here with
16 lighting would be like bats around nighttime.

17 MR. MARTIN: Yes, sir. We considered
18 migratory birds with the Fish and Wildlife Service for
19 the original solar project and nothing came up on the
20 radar.

21 MEMBER FANT: How about big brown bats?
22 Not an issue out there? I have no idea what they eat, so
23 I have no idea if they'd be in this area.

24 MR. MARTIN: There are five species of bats
25 that occur, and we don't foresee any issues with them.

1 They're just going to be widespread throughout the area,
2 but there should be no reason to attract them or any
3 threat to those species from the facilities.

4 MEMBER FANT: Thank you.

5 MR. ACKEN: And I want to go back, if I
6 may, to the reference in the stakeholder public comment
7 letter regarding lighting that was in the mitigation
8 table. And if I could get you, Ms. Pollio, to actually
9 read what that mitigation measure says with respect to
10 lighting.

11 A. (Ms. Pollio) Yes. So it says, "Lighting at the
12 project will be kept to a minimum to avoid impacts to
13 nocturnal or nocturnally migrating wildlife.

14 "This will include minimizing the use of high
15 intensity lighting, steady burning or bright lights such
16 as sodium vapor, quartz halogen, or other bright
17 spotlights.

18 "Lights will also be hooded downward and
19 directed to minimize horizontal or skyward illumination.

20 "Wherever possible, motion activated or infrared
21 illumination lights that do not react to animal movement
22 and switches will be used to keep lights off when not
23 required."

24 Q. And, Mr. Martin, you interfaced with Game and
25 Fish with respect to mitigation measures; is that

1 correct?

2 A. (Mr. Martin) That is correct.

3 Q. And so this mitigation measure, was it proposed
4 by the applicant or Game and Fish? Do you recall?

5 A. (Mr. Martin) It was proposed by Game and Fish
6 in their original recommendations. However, this is a
7 standard practice in the industry to avoid the attraction
8 of birds, insects, and whatnot.

9 Q. And so you would concur with Game and Fish's
10 recommendations and this mitigation measure?

11 A. (Mr. Martin) Yes, sir.

12 MR. ACKEN: Okay. Thank you.

13 CHMN STAFFORD: Member Fontes, did you have
14 a question? Yes, Member Fontes?

15 MEMBER FONTES: Can you hear me,
16 Mr. Chairman?

17 CHMN STAFFORD: Yes.

18 MEMBER FONTES: Mr. Acken, I appreciate you
19 focusing on Game and Fish but there's a practical reality
20 of this. As I think members of the committee and the
21 applicant knows, I used to work for WAPA and I financed a
22 lot of substations and transmission lines particularly in
23 this county. We have had force majeure events and we
24 have had unplanned outages at substation from the bats
25 that Mr. Fant did raise due to the insect attraction.

1 I would encourage the applicant to consult
2 with WAPA substation maintenance personnel with respect
3 to the sprayers that they have to have installed at some
4 of the substations over here that emit a purple
5 Kool-Aid-like substance on a motion-detection system.
6 That was the corrective implementation plan that we had
7 after a fatal fault analysis on some things. It's been
8 published in industry publications. I don't offer that
9 as something that we need to put in the record here, but
10 just more of a practical preventative measure on top of
11 Game and Fish, who are not power utility people. Just
12 being practical.

13 Thank you, Mr. Chairman.

14 CHMN STAFFORD: Thank you, Member Fontes.
15 We are coming up almost 90 minutes. I'm certain the
16 court reporter could use a break. Let's take a 15-minute
17 recess. Let's go off the record.

18 (Recess from 10:29 a.m. to 10:48 a.m.)

19 CHMN STAFFORD: Let's go back on the
20 record. I think we had just covered the light pollution.
21 I think the next comment is about the 90-day plan.

22 MR. ACKEN: Mr. Chairman, if I could,
23 there's a couple questions about the 90-day plan. And
24 this first one also talks about size of the project. I
25 think we have -- I think we have a robust record on why

1 we're using nameplate capacity and why that may differ
2 from others.

3 If I move on to Section 3 about timing, we
4 talked about this and I think we did it in the prefiling
5 conference that, yes, the 90-day plan was submitted less
6 than 90 days before application, the Commission has the
7 authority but not the obligation to refuse to hear an
8 application in the absence of good cause. So it's a
9 threshold matter. There's a legally incorrect statement
10 in this letter that says the Commission should not have
11 heard it. That is at the Commission's discretion.

12 Again, in the absence of good cause, the
13 Commission decided to hear the application by referring
14 it to the committee. I submit that that was a smart
15 decision by the Commission, and I also submit that we had
16 good cause, again, because of the time we were still
17 evaluating what options to bring forward to this
18 committee.

19 I further note that the public commenter
20 knows the facts and law -- well, knows the law on this
21 issue which has been litigated. And the Commission's
22 determination to consider an application for which a
23 90-day plan which is 90 days prior to the application has
24 been validated and confirmed by Arizona reviewing courts.
25 So that's all I planned to say on subpart 3 unless you

1 have further questions for me.

2 CHMN STAFFORD: No, I would concur with
3 that because it's the Commission's discretion. The
4 committee does not have discretion on that point. Once
5 the matter is referred to the committee from the
6 Commission, we have to act with a statutory time frame,
7 which we are in the process of doing.

8 MR. ACKEN: Thank you.

9 4 and 5 are really somewhat related about
10 need for a gas-fired plant, and a gas-fired plant is not
11 in the public interest. I think we've talked about over
12 the years, this committee takes evidence on need and
13 public interest. But that, of course, is the
14 Commission's charge under its balancing test under
15 40-360.07.

16 I would submit that we have demonstrated
17 that there is a clear need for this project and many,
18 many more, that this committee is very well aware of from
19 this proceeding, other proceedings, proceedings to come,
20 and other proceedings at the Commission as well as just
21 general knowledge of the extreme growth of load demand in
22 Arizona throughout the country.

23 And specifically the testimony in this case
24 showed that both APS and SRP have broken the
25 9,000-megawatt barrier. That's a new one by far.

1 And we're going to see that, the
2 expectation is that we're going to see that year over
3 year. So I think this committee can take comfort when
4 the Commission reviews, that they will find that new
5 capacity that can come online in a short order like this
6 can is extremely necessary.

7 And further, focusing my comments on the
8 thermal piece, the testimony shows on the -- as relate to
9 the gen-tie portion is we have a pending urgent need for
10 approval for the gen-tie to interconnect a solar and BESS
11 project that already has a PPA with an Arizona
12 load-serving entity. So if there is ever a project that
13 had demonstrated a need for it, it is this one.

14 So with that, those are my thoughts, but
15 happy to have witnesses provide additional context if the
16 committee would like.

17 CHMN STAFFORD: I believe Mr. Crabb was
18 going to crunch some numbers over the break as well.

19 MR. ACKEN: He did.

20 MEMBER LITTLE: Mr. Chairman.

21 CHMN STAFFORD: Yes, Member Little.

22 MEMBER LITTLE: May I address the issue of
23 need? It's one that I was going to bring up anyway.
24 Demonstrating to us that the need for a project.

25 I don't dispute this -- that this project

1 is needed. I don't dispute that projects like this are
2 needed. I think the word "need" is an understatement in
3 today's world.

4 However, I might suggest that in the future
5 applicants might consider putting on the record
6 information about RFPs that the load-serving utilities or
7 load-serving entities have out or anticipate are
8 bringing, information when the new integrated resource
9 plans are made public by the utilities.

10 So that there is, on the record, for the
11 CEC itself information that the rest of us, even I, who
12 kind of try to keep track of what's going on with power
13 in the state, but the rest of us and the public will have
14 the benefit of having that information presented to us so
15 that we know what the utilities are saying. They need
16 this. Look, the utilities are putting in their
17 integrated resource plan they need this type of power.

18 And that is just a suggestion. Thank you.

19 CHMN STAFFORD: Thank you, Member Little.

20 Mr. Crabb.

21 MR. CRABB: I -- so I can do the committee
22 one better versus my napkin calculations. I direct the
23 team to the air permit application, Appendix A, which
24 hosts all of the detailed emissions calculations
25 summarized on that first page. It is PDF page 52.

1 MR. ACKEN: And for the record you are
2 referring to the revised submittal; is that correct?

3 MR. CRABB: Correct, which I believe is
4 Exhibit 17 if I'm --

5 MR. ACKEN: Thank you for that. That
6 sounds correct.

7 MR. CRABB: And so the LM6000 C02
8 equivalent, this is new and clean, 772,000 tons per year
9 of C02 equivalent at maximum capacity factor.

10 CHMN STAFFORD: Well, that's -- is that
11 meaning at the 30 percent that your air permit is limited
12 to, or if the plant were to run full out?

13 MR. CRABB: At the 30 percent.

14 CHMN STAFFORD: Okay. Just making sure.

15 MR. CRABB: And it accounts for -- that
16 accounts for the dual fuel use at maximum use and then
17 there's some additional detail we have to report, balance
18 of plant emission sources as well into that C02
19 equivalent. C02 equivalent is more than just C02. It
20 includes some of the other methane emissions and other
21 emissions that have global warming impacts.

22 So that equivalent metric is a grand total
23 sort of maximum case in new condition.

24 CHMN STAFFORD: And that's for all three of
25 the contemplated generator types?

1 MR. CRABB: The data is different for each
2 of them, but yes, the information for all three is
3 included, and as you scroll through Appendix A it gives
4 you specific details of the calculations used for all
5 three generation configurations.

6 CHMN STAFFORD: Okay. If I'm scrolling
7 over to the far right for the CO2 equivalents, it looks
8 like the Wartsila is the lowest for the CO2 emissions?
9 That's the RICE unit.

10 MR. CRABB: Correct. But higher hazardous
11 air pollutants.

12 CHMN STAFFORD: Okay. So it's the
13 information that the Sierra Club said was lacking.

14 MEMBER FONTES: Mr. Chairman.

15 CHMN STAFFORD: Yes. Member Fontes, could
16 you please turn your camera on? It makes it so much
17 easier for the court reporter.

18 MEMBER FONTES: I'm in a location where I
19 cannot do that right now. I appreciate the opportunity
20 to speak, though.

21 CHMN STAFFORD: Please proceed.

22 MEMBER FONTES: Is there any SF6 breakers
23 on the step-up transformers or the things we have
24 jurisdiction over? Because that's a big CO2 equivalent.
25 Just out of curiosity.

1 MR. ELLIS: Member Fontes, would you
2 restate the question, please?

3 MEMBER FONTES: Is there any SF6 in the
4 breakers for the step-up transformers from the thermal
5 generation site that would impact the CO2 equivalent?

6 MR. ELLIS: I think we need a bit of time
7 the run that question down. That's a pretty specific
8 question. Unless my colleague, Mr. Crabb, has it at his
9 fingertips.

10 MR. CRABB: I don't know the exact answer,
11 but I will point to some of the -- sort of what is deemed
12 fugitive emissions, so starting in Row 4 on that Table 1
13 in Appendix A does sort of list out the handful of other
14 ancillary equipment that have potential for CO2 impacts,
15 and does include the circuit breakers.

16 I can't speak to the specific engineering
17 behind that, but it does give you an order of magnitude
18 on CO2 equivalent for ancillary equipment.

19 MEMBER HILL: Mr. Chair, I'll also add that
20 Table 13 in that Appendix A is specifically a deeper dive
21 on the SF6 fugitive emissions, so it gives you a little
22 bit more complexity.

23 MEMBER FONTES: Mr. Chair, I just point
24 that out because I want to make sure you are satisfied
25 with that ask or observation by the Sierra Club. I'm

1 satisfied that it's covered.

2 I just wanted to bring that out and ask the
3 specific question on the SF6 because it often gets
4 overlooked in simple air emissions modeling.

5 CHMN STAFFORD: Thank you, Member Fontes.

6 All right. And then I think, make sure my
7 recollection is accurate. For the gen-tie we have it
8 2 percent on private land, 70 percent on BLM land, and
9 then 28 percent on Arizona state trust land.

10 The gas plant will be 100 percent on
11 private land, but the solar and the BESS are going to
12 be -- are those all on state trust land?

13 MR. ELLIS: The solar and BESS will be
14 located on state trust land, yes, Mr. Chairman.

15 BY MR. ACKEN:

16 Q. Mr. Ellis, just to double-check, are portions of
17 that potentially on private land? I thought that was the
18 testimony of Mr. Furman of the solar.

19 A. (Mr. Ellis) You're right. So, and thank you
20 for the corrective.

21 So we do have some private land that will be
22 included. It's a small percentage, it's about 80 acres,
23 give or take, but, so overwhelmingly it's state land with
24 a small mix of some private land.

25 Thank you for the --

1 CHMN STAFFORD: You say less than

2 1 percent?

3 MR. ELLIS: Less than what percent?

4 CHMN STAFFORD: 1 percent.

5 MR. ELLIS: No, it's more than 1 percent.

6 CHMN STAFFORD: Less than 10 percent?

7 MR. ELLIS: Less than 10 percent, yes.

8 MR. ACKEN: And I believe Mr. Furman
9 provided that testimony, and so if we need precision I'd
10 ask him to look that up and maybe we can get back to you
11 on a break on that.

12 CHMN STAFFORD: That's fine. Thank you.
13 That's -- I'm just -- I don't need acreage, I'm just
14 trying to get a sense of what -- where everything is
15 going to be ownership-of-land-wise.

16 Those are the questions that I had. Any
17 other questions from members?

18 MEMBER HILL: Mr. Chair, while we're
19 talking about letters, there was a really nice letter
20 from Gary Saiter in your letters of support and he
21 mentioned that you guys, that the team had committed to
22 trying to relocate saguaros and cacti.

23 And I just had one clarifying question,
24 because I went through the mitigation measures as
25 Exhibit B to the proposed CEC, saw everything I needed to

1 see from Game and Fish. One clarifying question.

2 In the vegetation section, you say that
3 "The project will comply with Arizona native law. A
4 native plant inventory will be conducted to identify,
5 record, and coordinate plant salvage efforts for species
6 that are protected under the Arizona native plant law."

7 Are -- I don't know enough to know whether
8 saguaros and cacti that are identified in Mr. Cedar's
9 letter are in that category, or should we adjust that
10 language a little bit for salvage? Do you have thoughts
11 on that, Ms. Pollio or Mr. Martin?

12 MR. MARTIN: I'll defer also to Mr. Acken
13 who can -- how this relates to the actual act. Is it the
14 species that it requires us to protect?

15 However, we're currently doing a full
16 inventory, so we have a census of all of the native
17 plants that occur within the disturbed areas. From that,
18 engineering will design to avoid. If we can't avoid,
19 then we will either salvage or give notice to the
20 Department of Ag on what we'll remove.

21 So that's -- if you need some more
22 clarification, go ahead.

23 MR. ELLIS: Yeah, if I might add, Member
24 Hill, one of the things that we did on Box Canyon, which
25 we plan to replicate on this project and it's really

1 cool, I'm not sure if that's a good term to use here on
2 testimony.

3 But there's a group by the name of Natural
4 Restorations. You're nodding your heads so you may be
5 familiar with them. They are veterans-run group. And
6 they will come in and they will harvest and salvage the
7 available plants on a site like this prior to the
8 construction event. And they use those plants to help
9 replant burn scarred areas in the state of Arizona.
10 Really wonderful group.

11 So we used them on Box Canyon. And then
12 what we did, and this was all voluntary, we came in and
13 we rescued, I think that was your term yesterday, all of
14 the saguaros on the site that we could and we replanted
15 them in various areas in Pinal County.

16 I think one may have even gone to the
17 arboretum, so they were sprinkled around and we worked
18 pretty extensively to get those in happy homes. I
19 actually have two at my home in Phoenix, believe it or
20 not. So we plan to replicate that strategy here.

21 It was so successful that we plan to do
22 that. And so Mr. Furman, who's not up here but he's
23 behind me is, we've already contracted with Tetra Tech to
24 do that saguaro inventory.

25 Our plan is to identify the ones that are,

1 if they get too big you can't rescue them. But our plan
2 is to replicate that. So that may give you some comfort.
3 We are going to use both those strategies here which was
4 really successful and we want to do it, again.

5 MEMBER HILL: Thank you. I think that's
6 definitely the right action.

7 I was -- and I'm glad to hear the story and
8 I actually would love to learn more. I just wanted to
9 make sure that his request for the saguaro and the cacti
10 and effort to relocate them. He wasn't, you know, he
11 wasn't terribly demanding but said he had made that
12 agreement with you guys, was reflected somewhere in the
13 mitigation measures, and I thought we might have captured
14 in the Arizona native plant law piece, but if there's any
15 language that you want to adjust to make sure we capture
16 that, I'd be open to that.

17 CHMN STAFFORD: Member Little.

18 MEMBER LITTLE: Member Hill, are you -- did
19 you have other questions?

20 MEMBER HILL: I think Member [sic] Pollio
21 wanted to respond.

22 MS. POLLIO: I was just going say that
23 Mr. Martin and I were looking, those are protected under,
24 all those species are protected under Arizona native
25 plant law. So it is accurate.

1 MEMBER HILL: Super. Thank you.

2 CHMN STAFFORD: Member Little.

3 MEMBER LITTLE: I have a couple of just
4 clarification questions about statements that were in the
5 application.

6 A couple of places in the application, a
7 residential -- a planned residential area called Saguaro
8 Acres subdivision, which is just slightly over a mile
9 northwest of the project, is mentioned in the
10 applications.

11 And it sounds like it was sort of
12 contemplated and there was some work done and -- but it
13 has not progressed. I would just like to have on the
14 record what the status of that is, if it has pretty much
15 been abandoned, if it looks like somebody's going to
16 start building homes there.

17 That particular place was not mentioned --
18 has not been mentioned in the hearing yet.

19 MS. POLLIO: It did come up in, you know,
20 again, a planned development. When we coordinated with
21 the county and received county data on planned area
22 developments.

23 However, we are unaware of if it is, in
24 fact, going forward. So it does not appear to be from a
25 construction perspective or working with the county. So

1 we -- but that is all we know about it. It does not seem
2 to be actively moving forward.

3 But, again, it was in the county data, so
4 we felt like we needed to include it.

5 MEMBER LITTLE: Thank you.

6 My second question has to do with some of
7 the correspondence between the applicant and the tribes.
8 And this would be between, how do you say it, Chemehuevi?

9 MS. POLLIO: Chemehuevi, yes.

10 MEMBER LITTLE: Chemehuevi tribe. They
11 mentioned in one of the e-mail exchanges that they would
12 be interested in providing tribal monitors for the
13 projects. And they requested a tribal participation plan
14 be developed to allow interested tribes to participate in
15 the development of these projects. I'm just wondering
16 what status of that is or what the applicant's response
17 is to it.

18 MS. POLLIO: Yes. When we received that,
19 we immediately coordinated a conference call with the
20 tribal members as well as the BrightNight team. I was
21 also on that conference call. And basically we talked to
22 them about, in fact, yes, doing a tribal participation
23 plan and coordinating with them as tribal monitors. But
24 I can also confirm with Mr. Martin if that was accurate.

25 MR. MARTIN: That is accurate. And the

1 most recent survey that we were performing as of last
2 week on the new gen-tie alignment, Chemehuevi actually
3 accompanied the archaeologists, so we've already put that
4 in place.

5 MEMBER LITTLE: Wonderful. Thank you.

6 And my last question, until we get to the
7 application itself, is we discussed yesterday something
8 that I was not aware of until Member Fontes brought it
9 up, that in the interconnection agreement there is a
10 difference between a capacity agreement and an energy
11 agreement.

12 And it was stated that the agreement is a
13 capacity agreement, I'm not sure I have the language
14 correct there. And I'm wondering, there actually are
15 four agreements. One is -- one agreement that's being
16 negotiated and three that are applications as I
17 understand it. Are they all capacity or are some of them
18 energy?

19 MEMBER FONTES: Member Little, can I
20 interject here?

21 MEMBER LITTLE: Yes.

22 MEMBER FONTES: I think you got the
23 terminology wrong.

24 MEMBER LITTLE: Thank you.

25 MEMBER FONTES: She's referring to the

1 interconnection request to WAPA. There's either a
2 network or an energy. And of the four we're just
3 wondering if you can walk us through the -- when they
4 were filed, how much megawatts, and if they're network or
5 energy for each of those interconnection requests that
6 you have.

7 MEMBER LITTLE: Thank you, Member Fontes.

8 MR. CRABB: They are all network resources.
9 The, you can really think about it as three, the surplus
10 can't -- wouldn't be able to shift from an energy to
11 network; right? Surplus takes whatever that initial
12 application. And I'm looking to the panel here to
13 confirm or correct.

14 I believe the initial application was
15 submitted in the first half of 2022. And the two
16 incremental new gas applications were submitted in May of
17 2026.

18 The surplus application cannot be formally
19 filed until we execute the full LGIA for the initial
20 solar application, which we expect to happen over the
21 next two to three months.

22 MEMBER LITTLE: Thank you for that
23 clarification. I appreciate it.

24 MEMBER FONTES: So they're network
25 interconnects, they're not point-to-point energy

1 interconnect; correct?

2 MR. CRABB: Correct.

3 MEMBER FONTES: Perfect. Thank you.

4 MEMBER LITTLE: The rest of my questions
5 have already been answered today. Thank you. That's the
6 good news.

7 CHMN STAFFORD: All right. Any other
8 questions from members? Well, Mr. Acken, I believe we're
9 ready for -- oh, for your closing. Before you do I need
10 to get hard copies of Hearing Exhibits 18, 19, and 20 and
11 I believe the court reporter does as well.

12 MR. ACKEN: We will make sure that that is
13 done. Perhaps before we break for lunch, but certainly
14 by the time we return if that works for you.

15 CHMN STAFFORD: That's fine.

16 MR. ACKEN: Thank you. So I have a short,
17 like, three-hour closing for you.

18 I feel like I've said my closing a few
19 different times and so I will try to be brief.

20 On the left, I hope you can read it. I've
21 highlighted or showing the statutory factors to be
22 considered by the committee. On the right screen is R12,
23 which is one of our maps. And I think it would be
24 helpful, it's helpful for me to kind of reframe, we're
25 three days into a hearing. There's been a lot of

1 discussion.

2 And I'm hopeful what I can do here is give
3 this committee comfort that this is a well designed
4 project. It meets the criteria that the committee
5 considered. And it does so in a way that is really best
6 case, protective of the environment, supported by the
7 community, and adding necessary capacity now, soon, and
8 with the ability to do so in the future to meet market
9 conditions.

10 So let me walk through it. Existing plans
11 is the first factor under 40-360.06 and, again, 360.06 is
12 the committee's review, the Commission's is under 360.07.

13 So existing plans of the state for other
14 developments in the vicinity of the proposed site, we
15 just had a little discussion about other developments.

16 But I think the main thing I want to point
17 out here is you have a project before you that is far
18 along in the development process that has county
19 entitlements in place. And that's getting harder as this
20 committee knows. It's getting harder to obtain county
21 entitlements, it's getting really difficult to do that on
22 a unanimous basis at the planning commission and at the
23 board of supervisors as this project has done.

24 So I think that's a real feather in the cap
25 for this team and it shows you the local community

1 support. Again, highlighted with the seven letters of
2 support from a variety of stakeholders.

3 You see a lot of projects. You're going to
4 see a lot more. And they are in different portions of
5 the state. You don't see a whole lot in La Paz County.
6 This is my third one, I think in La Paz. And so having
7 La Paz County support, having Wenden community support, I
8 think is a real great sign for this project.

9 Number two is fish, wildlife and plant
10 life, biological resources. I don't think you're going
11 to find a project that's been studied the way this one
12 has. I think I've said that a couple times in other
13 cases, well, this one's been well studied.

14 I think the testimony in this record is
15 this team has done, surveyed over 6,000 acres in the
16 vicinity of the project. Mr. Martin and his team know
17 what's out there. And they can speak with a great deal
18 of confidence that there are no endangered species, there
19 are no critical habitats in the area because they put
20 boots on the ground and have done the work. And as a
21 result of that, Mr. Martin has an excellent relationship
22 with Game and Fish, and through that iterative process
23 have developed mitigation measures that we propose to
24 include as an exhibit to the CEC, Exhibit B.

25 We've talked about noise emission levels.

1 As shown on the emission map, the thermal plant is
2 located quite some distance. I'm not going to quote
3 exact mileage lest I get it wrong, but miles from nearby
4 residences.

5 And if you look back at Slide R80 I think,
6 you know, I'm a picture visual thinker. And so if you
7 look at that, you see how negligible the noise effects of
8 this project are because of its location.

9 Thank you so much for showing that. And
10 that shows nearby sensitive receptors, noise levels,
11 far -- associated with the thermal plant that are far
12 below what's in this room. And so you can take comfort
13 that the noise levels associated with the project are
14 quite low.

15 The fourth item is the proposed
16 availability of the site for recreational purposes. The
17 testimony on Slide 74, as shown on 74, is that there are
18 surrounding recreational areas, and this team, again,
19 took the extra step, met with the off-highway vehicle
20 community and to confirm that the project will not
21 interfere with OHV use in the vicinity of the project.

22 Number 5 is existing scenic areas. If we
23 go to Slide 74 -- and you don't necessarily have to
24 follow me, Javier, as I jump around. I just want to
25 highlight this for the record. But you are. So thank

1 you.

2 This is a wonderful letter from SHPO from
3 Caroline. It says, "No further work is required. This
4 project area has been studied extensively."

5 With of course the caveat that there was
6 some additional study work that needed to be done for the
7 shifted corridor.

8 But the study area, and that's a heck of a
9 study area, shows that there are no cultural resources of
10 concern, and given extensive study work and given the
11 recent surveys that have been already been completed for
12 the revised corridor, and we expect that conclusion to
13 remain the same.

14 So when you start adding those up and you
15 get to the total environment of the area, you realize
16 this is an excellent site. We're not in -- we're not
17 next to houses, we're not next to schools. We are close
18 to a local community but not on top of it.

19 And we have the support of that local
20 community, including the residents and including
21 importantly I think here the head of the domestic water
22 improvement district, whose job it is to be a steward for
23 the water resources in the area.

24 I want to talk about 7. Technical
25 practicability. I think this is a real positive for this

1 project. We've had some discussion and I think some
2 concern. But when you look at it, there were a number of
3 projects that came in 2023 that did not have system
4 impact studies at all.

5 And there was a discussion at that time
6 about whether this committee could approve those
7 projects. Legally the committee could and they did and
8 there was the addition of, at that time, condition --
9 what is Condition 17 in our proposed CEC Hearing
10 Exhibit 2 to address the absence of a system impact study
11 at the time of the application. To say you're going to
12 do the study work, you're going to do it in conjunction
13 with the network operator and whatever those federally
14 regulated studies require you to do before you
15 interconnect, guess what, you're going to do that as a
16 condition of your project.

17 And so I view that condition as providing
18 the necessary predicate for the committee to make the
19 finding that projects that -- without all studies done
20 will provide reliable power.

21 As I mentioned just a few minutes ago this
22 project has a better fact pattern than most that
23 committee approved. This project does have a system
24 impact study for 400 megawatts. It does have a
25 feasibility study. It is far long in the LGIA

1 interconnection process.

2 And so as it relates to that piece, I think
3 there should be no question -- I hope there's no question
4 in any committee member's mind that this project has
5 already demonstrated that it can be safely and reliably
6 interconnected.

7 I thought, you know, I hope the committee
8 sees the testimony of Mr. Crabb as to the ability to use
9 that surplus interconnection to add a hundred megawatts
10 of natural gas in a very timely basis as an elegant
11 solution to a pressing problem.

12 We need capacity. We need energy in
13 Arizona and throughout the west. And that surplus
14 connection allows that process to begin and firm up the
15 resources and the ability that's associated with the
16 solar and the BESS with combustion turbine technology.

17 And concurrently, while that's happening,
18 this infrastructure in place, this generation-tie line
19 that we're requesting approval for by being proactive, by
20 being thoughtful at the beginning of this process of how
21 we design and plan. By allowing for a double circuit
22 we'll be able to put on a second circuit, so that that
23 generation-tie line can inject even additional resources
24 to the grid on one line.

25 And at a time when we're going to need a

1 lot, the more we can do double circuit in a safe and
2 reliable manner, that's a good thing. It is just an
3 excellent thing for the resources and the impact on the
4 area.

5 And then the final thing we talked about,
6 I'll jump down to air quality. We talked about that.
7 And the committee asked for the air permit application.
8 We provided that and we discussed it.

9 And it's just a reminder that, you know,
10 that's another process that we must meet in order to
11 interconnect and construct. And I hope by seeing that
12 line of sight at least on the first phase of the air
13 quality permit, this committee understands, okay, what is
14 the -- what is the permitting and development philosophy
15 of this team and does it make sense, and respectfully
16 submit that it does, go forward with the permitting
17 philosophy, you get 350 megawatts now from ADEQ, let's
18 get some resources approved now. Let's get going. And
19 then bring back the additional -- go back to ADEQ for
20 more as needed.

21 And by asking you for the 700 megawatts
22 today, we avoid the need to come back to the committee or
23 the Commission and ask for additional resources that are
24 going to be needed.

25 And so with that, we really thank you for

1 your time, we thank you those of you for coming to
2 Parker. It's not an easy place to get to from Phoenix,
3 and had I done it differently I would have liked to
4 schedule this in March, not August. But here we are. So
5 very much appreciate the committee coming in person.

6 I really appreciate the committee members
7 who have listened on and participated online. I find it
8 a challenge when I'm in meetings when half the people are
9 in the room and I'm on online, and so I really, I
10 understand how difficult that is, and I'm grateful to you
11 for sticking through with us and participating so much
12 through the process.

13 So with that, thank you. And we
14 respectfully request approval for both the gen-tie as
15 well as the 700-megawatts nameplate of thermal capacity.

16 And thank you.

17 CHMN STAFFORD: Thank you. All right,
18 Members, I think perhaps we should have a discussion
19 about what we would like to see in the certificate before
20 we break for lunch.

21 And then well take an extra long lunch
22 break so I can prepare Chairman's 1 and 2 exhibits before
23 we come back and actually deliberate on the certificate.

24 I think we have reached agreement that we
25 would -- the certificate should be for 700 megawatts and

1 not reference standby or extra units as we're talking
2 about what's cited, what's going to run. I think it
3 clouds the issue to include that. I'm seeing nods
4 looking around?

5 Okay. And then I guess the other threshold
6 issue is going to be the description of the thermal
7 units. The LM6000 is the preferred one. The
8 configuration would be 14 LM6000s for 700 megawatts.
9 There was two other potential configurations. Do we want
10 to include those? What's the thought of the committee on
11 that? Member Fant.

12 MEMBER FANT: Mr. Chair, maybe we just add
13 the phrase "or alternative generating units." Reference
14 it but keep it vague.

15 MEMBER HILL: Mr. Chair.

16 CHMN STAFFORD: Member Hill.

17 MEMBER HILL: I appreciate the offer. But
18 I think other configurations or alternatives -- we've
19 never issued a CEC that wasn't explicit about the
20 technology.

21 I mean, I understand that they're trying to
22 respond to the market, but I think that it is -- it would
23 be a problematic precedence for this committee to issue
24 certificates without identifying the types of units. I
25 feel like it's like issuing a building permit but not

1 actually having the roof figured out.

2 And I don't think any -- I'm trying to
3 think of other permitting processes or other
4 certificating processes. And even if, for example, we
5 issued -- someone were to issue a building permit and
6 have a roof selected, there would still be a process to
7 go back and select a different roof if that roof wasn't
8 available; right?

9 So I don't think it's a good practice to
10 issue certificates with just a megawatt threshold. I
11 think that we probably need to say that this is for the
12 LM6000s, the number of them.

13 I think we need more specificity in the
14 application. That's their preference they have a line on
15 them. I'm uncomfortable just leaving it open to any
16 technology. So that's my thought.

17 CHMN STAFFORD: Thank you.

18 Member Little.

19 MEMBER LITTLE: Thank you, Mr. Chairman. I
20 agree with Member Hill. I do have a question, and that
21 is if the applicant were to run into real problems in
22 acquiring those particular units and decided to go with
23 one of the other two alternatives and needed to come back
24 and -- for a modification to the CEC, would they be able
25 to proceed with the transmission line? Because that's an

1 entirely different --

2 CHMN STAFFORD: Yes.

3 MEMBER LITTLE: -- part of the CEC.

4 CHMN STAFFORD: Yes.

5 MEMBER LITTLE: So they still would be able
6 to proceed with their solar field and the transmission
7 line and get some of that power online.

8 CHMN STAFFORD: Yes.

9 MEMBER LITTLE: Even if they had to wait a
10 little while for change.

11 CHMN STAFFORD: If we issue the
12 certification for 700 megawatts for 14 LM6000s and the
13 transmission line, if they later decided, hey, we're
14 going to go with the RICE units or the Siemens units,
15 that would not impair their ability to construct the
16 transmission line.

17 MEMBER LITTLE: Thank you. Then I think we
18 definitely need to stick to some specificity with the
19 units.

20 CHMN STAFFORD: Do you concur with my
21 analysis, Mr. Acken?

22 MR. ACKEN: Yes. And I thank you for it.
23 But I don't think that that's -- would be controversial
24 at all. Yes, while the gen-tie and the thermal plant are
25 part of the same CEC, I don't see and I've never taken --

1 seen the position taken that you have to build
2 everything. You can always build in portions.

3 So, yes, I would view that as authority to
4 construct the gen-tie and if needed to go back to amend.

5 CHMN STAFFORD: It has the time frame of
6 10 years.

7 MEMBER HILL: But even that has been
8 extended, I think, so I think the Commission has made the
9 decision to extend some of those.

10 CHMN STAFFORD: Yes, they have. I mean,
11 they've extended them out 20 years. I mean, the most
12 recent one was the Gila River Power Partners combined
13 cycle that was certificated in I want to say 2000, 2001
14 and that one got pushed out I think earlier this year for
15 another 10 years.

16 I don't know if anyone's going to build it.
17 I think there's another project going in that area. It's
18 not that. But it's someone wanted to keep the seat warm
19 in case they need -- they think -- I'm not sure who owns
20 that certificate at this point in time.

21 I don't know how, if they're actually going
22 to move forward, but certainly having that certificate
23 has value that they may be able to extract from someone
24 else if they can't make use of it. So we'll see how that
25 goes.

1 But, yeah, I think that's exactly right.

2 And I looked at some other certificates for other thermal
3 plants and they all call out the technology, they're very
4 specific about it. They're not -- and I think that's
5 different than a transmission line where you say it can
6 go here or there, but then they've been both evaluated
7 and where there's a preferred route and you have an
8 alternate to address a specific contingency.

9 I seem to recall that one of the reasons
10 that why the 90-day filing was less than 90 days from the
11 filing -- the prefiling, but 90-day was the plan, was
12 filed closer to the time of the application was that it
13 was due to the technology selection. Is that
14 recollection accurate, Mr. Acken?

15 MR. ACKEN: Mr. Chairman, yes. So at the
16 prefiling, I explained that the reason for the delay was
17 we were trying to fine tune technology availability and
18 that was delaying the submittal of the 90-day plan. So,
19 yes, your recollection is correct.

20 CHMN STAFFORD: Okay.

21 And we've locked it down, the applicant is
22 comfortable reporting all groundwater pumped at the site
23 from its well, and I guess -- and then if it's going --
24 if it ends up using the municipal provider, that's
25 already reported to DWR.

1 And DWR is comfortable with just getting
2 the information from the applicant's website, which will
3 remain up as long as the plant is in operation to share
4 that water usage information.

5 MR. ACKEN: So Mr. Chairman, two points.
6 Mr. Ellis testified explicitly that he's comfortable
7 putting it on the website. And I had proposed an
8 additional condition the team has reviewed on to address
9 disclosure on a project website. So we're comfortable
10 with that.

11 I was not aware until this morning the lens
12 that if it's -- if we're acquiring water through the
13 domestic water provider, that would be disclosed. So I'm
14 not sure maybe you want -- maybe there's a way to revise
15 that condition that it's an either/or but, you know. But
16 that was our commitment. We're happy to disclose it on
17 the website.

18 CHMN STAFFORD: And I think maybe -- I
19 can't remember the answer to this question, but I guess
20 is it possible that there's a scenario where you'd use
21 both the well -- your own well on the site and municipal
22 water?

23 MR. ACKEN: Yes.

24 CHMN STAFFORD: Some combination of those
25 two.

1 MR. ACKEN: Yes, I believe Mr. Crabb
2 testified to that, but if you could confirm for the
3 record.

4 MR. CRABB: That is correct.

5 CHMN STAFFORD: Okay. Good. My
6 recollection of the testimony was correct.

7 All right. Are there any other further
8 comments about the certificate or the conditions that
9 members want to discuss before we recess and I prepare
10 Chairman's Exhibits 1 and 2? Member DiCiccio.

11 MEMBER DICICCIO: Mr. Chair. Well, nice to
12 see you. I am all in favor of them, giving them the
13 option of whatever availability is out there for the type
14 of power that's in use. We have a huge crisis in this
15 state, actually the country and the world, and
16 everybody's rushing to market right now.

17 And giving them the option just specifying
18 to the megawatt I think is perfect. I think going in
19 there and telling them the type of product that they're
20 going to have to use, I think they're going to use their
21 best judgment. I think the State has the ability to say
22 yes or no to it.

23 You know, from our end and from my end, I
24 think that becomes a very onerous situation for them.
25 And I'm not going to be supportive of being strict on

1 them. Especially with what's happening in the world
2 right now and the state.

3 And they have to be able to get into market
4 as quickly as possible, get this power up as quickly as
5 possible. The products that they may have cited may not
6 be available when we need to get that power done, and
7 giving them the option to go out there and do that I
8 think is in everybody's best interest to do that rather
9 than micromanaging exactly what it is that they need.
10 Whether we've done it in the past or not I'm favorable
11 toward allowing them to be able to pick and choose the
12 type of power that they're going to be able to use and
13 the method that they're going to be able to get it done.

14 I don't see any reason for us to be able
15 to -- why we would even need to get into specifying
16 specific things other than the amount of megawatts.
17 Thank you, Mr. Chair.

18 CHMN STAFFORD: Thank you, Member DiCiccio.

19 Any other comments from members?

20 Questions?

21 (No audible response.)

22 CHMN STAFFORD: All right. Well, with that
23 let us -- we'll take our lunch break. Let's plan on
24 coming back here at two p.m.

25 Then we'll have the Chairman's 1 and 2 and

1 we can begin deliberations on the certificate. With that
2 we are in recess.

3 (Recess from 11:37 a.m. to 2:05 p.m.)

4 CHMN STAFFORD: Let's go back on the
5 record.

6 All right. Everyone should have
7 Chairman's 1, which is the PDF version on the tablet.
8 That's the one that we'll reference to make amendments
9 to.

10 Chairman's 2 is the Word version, which
11 will show any changes we make to the certificate.

12 Looking at the members online, do you have
13 Chairman's 1, the PDF of the proposed certificate?

14 MEMBERS ONLINE: We do.

15 CHMN STAFFORD: Can the online members
16 please turn their cameras on so I can see to whom I'm
17 speaking and the court reporter can, too?

18 MEMBER DICICCIO: Let me figure it out.
19 Hold on two seconds. There we go.

20 CHMN STAFFORD: There you go.

21 All right. Everyone's got Chairman's 1.

22 MEMBER FANT: That's the proposed CEC?

23 CHMN STAFFORD: Uh-huh. It's supposed to
24 be this.

25 MEMBER FANT: Okay. I have two proposed

1 CECs; right?

2 CHMN STAFFORD: Member Fontes. Do you have

3 Chair --

4 MEMBER FONTES: Yes, Mr. Chairman. Sorry.

5 I ran late on another obligation, professional.

6 CHMN STAFFORD: No worries.

7 Do you have Chairman's 1?

8 MEMBER FONTES: I do indeed.

9 CHMN STAFFORD: Okay. Great.

10 While the members are reviewing the

11 introduction, Mr. Acken, any comments on the

12 introduction?

13 MR. ACKEN: Mr. Chairman, you know, the
14 introduction was intended to be consistent with other
15 projects. I did a little cleanup. Mr. Fontes will
16 notice I made one cleanup and I found another one that I
17 cleaned up in the caption. But otherwise it should be
18 consistent with what you see on every other project as
19 far as the introduction.

20 MEMBER FONTES: And what are you
21 specifically referring to, Mr. Acken?

22 MR. ACKEN: Name spelling.

23 And then in the caption it didn't say "In
24 the matter" it said, "N the matter." So that caption got
25 cleaned up.

1 MEMBER FONTES: I appreciate you spelling
2 my first name correctly and the other one as well.

3 MEMBER HILL: Mr. Chair, I move approval of
4 the introduction.

5 MEMBER DICICCIO: Second.

6 CHMN STAFFORD: Further discussion?

7 (No audible response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No audible response.)

12 CHMN STAFFORD: Hearing none, the
13 introduction is adopted.

14 Of course, we'll have to fill in the vote
15 count after it happens.

16 MR. ACKEN: Mr. Chairman, I just
17 remembered. I know the vote's already done, but I made
18 one other objection -- change to the introduction from
19 what I filed to add Member Meeker's name because I didn't
20 have her name. I had a different DWR representative just
21 so the record's clear.

22 CHMN STAFFORD: Yeah, that's what appeared
23 on Chairman's 1. That's what we voted on, so it's good.

24 MEMBER HILL: Mr. Chair, for discussion
25 I'll move approval of project description.

1 MEMBER DICICCIO: Second.

2 CHMN STAFFORD: Further discussion?

3 MEMBER HILL: I just want to confirm the
4 gen-tie line is 4.7 miles. I kind of got lost in the
5 length, and so I wonder if the applicant could just
6 confirm that.

7 MR. ACKEN: Thank you, Member Hill.
8 Confirmed.

9 MEMBER HILL: Okay. Thanks.

10 MR. ACKEN: It was -- yes, we had a few
11 different distances as it was modified, but 4.7 is
12 correct.

13 MEMBER HILL: Thank you.

14 CHMN STAFFORD: I believe that was due to
15 the shift that BLM requested of the corridor. There was
16 a slight change before it was the 4.7?

17 MR. ACKEN: That's correct. It was not 4.7
18 in the original. I think it might have been 4.3, but
19 it's 4.7 now.

20 CHMN STAFFORD: Okay. And then, let's see,
21 I made changes to it to say that it's referred to the
22 gen-tie and the gen-tie project, the project refers to
23 the gen-tie and the thermal plant.

24 MR. ACKEN: Understood.

25 CHMN STAFFORD: And then the most striking

1 change, of course, is that I limited it to the 14 GE
2 LM6000 simple-cycle turbines.

3 And then we have -- oh, and one other thing
4 I want to confirm is that you had it as single or double.
5 It has to be a double, doesn't it?

6 Isn't that the whole point of having the
7 change to the prior CEC 236?

8 MR. ACKEN: Mr. Chairman, this goes to the
9 issue -- we had it in another recent case -- where there
10 will be a portion that's single circuit. So I wanted to
11 make sure that that's clear.

12 CHMN STAFFORD: But that will be inside the
13 generation site?

14 MR. ACKEN: Good point.

15 CHMN STAFFORD: The transmission line, we
16 don't start measuring it until the first structure
17 outside of the generation site substation or switchyard
18 from which it emanates.

19 MR. ACKEN: But I think our distance --
20 I'll ask my team to confirm -- we may be measuring 4.7
21 from the first nonjurisdictional substation.

22 CHMN STAFFORD: Well, then you have a
23 buffer, I guess. I think -- I think you're okay saying
24 it's going to be longer than it will. If you're
25 saying -- if the certificate says 3 miles and it's

1 actually 5 miles, I think that's a different story than
2 if it's, you know, actually 4 miles outside of the
3 generating station as opposed to 4.7.

4 MR. ACKEN: The only concern I have with
5 that is the definition of a transmission line refers to
6 like the first structure outside a switchyard.

7 Do you view that as also being the first
8 structure outside a nonjurisdictional substation or an
9 energy center? Because that's not how I've done it.

10 Oh, it's from here?

11 MS. POLLIO: Well, no, actually you're
12 right because it goes out to that substation.

13 MR. ACKEN: Yeah, it has to be from here.

14 MS. POLLIO: Yeah. Yeah.

15 CHMN STAFFORD: Well, I think it depends on
16 the circumstances. If you're measuring from a substation
17 that's on its own, that's the -- that's where you start
18 measuring the line from if it's starting at that
19 substation.

20 But if that substation is contained in a
21 generation site, I think you would measure -- start
22 measuring it from the extent of the generation site
23 looking at the statute.

24 MR. ACKEN: I suppose it depends on how you
25 define generation site. And in my mind, I was defining

1 generation site to include jurisdictional generation. It
2 sounds like you are not limiting it to jurisdictional
3 generation sites. And if that's the case, then yours
4 would be -- it would be fine.

5 But and so maybe it's tomato tomato. I
6 just want it to be clear between the two project
7 substations that will be a single-circuit line that will
8 be within the boundary of the nonjurisdictional
9 generating site, and as long as that's clear and this
10 committee's comfortable with it, then, yes, that would be
11 fine.

12 CHMN STAFFORD: Because I think if you
13 permit a double circuit and you're only building a single
14 circuit you're not out of compliance with the
15 certificate.

16 MR. ACKEN: That's always been my
17 understanding as well. This was just, again, trying to
18 be transparent.

19 CHMN STAFFORD: All right. So I think -- I
20 think we're covered because I think even from the
21 nonjurisdictional substation to the Harcuvar substation
22 that's a -- well, it's not to that. It's to the end of
23 where 236 ends for this one.

24 MR. ACKEN: Correct.

25 CHMN STAFFORD: So I think we're -- I think

1 the distance is close enough. It's clear enough from the
2 map where it's going to be, and I think it should be
3 sufficient.

4 Member Fant.

5 MEMBER FANT: Thank you, Mr. Chair.

6 You know, most documents which transfer an
7 interest in real estate, especially when it's a
8 quantitative interest, refer to it as more or less.

9 Should we put that phrase in there,
10 construction of a new 4.7-mile long single and/or
11 double-circuit 230 kilovolt alternating-current
12 transmission line gen-tie line or 4.7-mile long, more or
13 less, single and/or dah dah dah. You can put it where
14 you want.

15 CHMN STAFFORD: I'm comfortable without
16 that. I think it's -- it's not going to be more than
17 4.7 miles because I think we're looking -- because,
18 again, the statute's a little ambiguous.

19 MEMBER FANT: Okay.

20 CHMN STAFFORD: So but I think it's clear
21 from the map and the description where everything's going
22 to be.

23 MEMBER FANT: Okay.

24 MR. ACKEN: Mr. Chairman, I think Mr. Ellis
25 had a question just for classification.

1 MR. ELLIS: Certainly. This is a question
2 posed both to you -- to the two of you.

3 So in line 4 where it says the project
4 also -- the language used to read single and/or double
5 circuit. In most of the scenarios I believe it's all
6 going to be double circuit. There is a scenario there's
7 only a single circuit from the generating facility, from
8 the thermal generating facility, from that
9 nonjurisdictional substation over to the solar and BESS
10 substation.

11 My preference would be to leave that in
12 single and/or because that gave us the flexibility to do
13 both. I see that's been struck.

14 And it's a question for you is it -- would
15 it be appropriate to leave it as it was so we have the
16 flexibility to do either?

17 CHMN STAFFORD: I think you have the
18 flexibility to do either because if you do it --

19 MR. ELLIS: I think I misunderstood your
20 earlier comments.

21 CHMN STAFFORD: Right. Because if you --
22 because if you're allowed to build double and you build a
23 single, you can wait to build the second one within that
24 10-year time frame and then -- unless you make that
25 time -- extend it, you can't do the second one without

1 getting it modified or extended or something.

2 MR. ELLIS: Okay.

3 CHMN STAFFORD: But if you're allowed
4 to deduct -- and all -- and you have the poles, you have
5 both the single and double-circuit poles. I think the
6 description says it's -- because it's going to go from
7 the thermal plant substation to the solar storage
8 substation and then double to the other line. Then
9 eventually to Harcuvar.

10 And the other one is going to be -- I guess
11 it's kind of an aside, but I looked at the application
12 for 236, and it did say that authorization to use
13 double-circuit capable structures and not construct a
14 double-circuit line?

15 MR. ACKEN: In our amendment?

16 CHMN STAFFORD: Yes.

17 MR. ACKEN: Yes, we want the authority to
18 use double-circuit structures -- capable, which in my
19 mind presumes and is understood that it's going to be
20 double circuit, so that's what I hope I'm asking -- well,
21 that's what I've asked for.

22 CHMN STAFFORD: Okay.

23 MR. ACKEN: Next week perhaps I need to be
24 clear on the record. But, yes, we are seeking the
25 authority to string two conductors.

1 CHMN STAFFORD: Because I think we've seen
2 cases where they were authorized to use single or
3 double-circuit-capable structures, but they were only
4 getting a certificate for a single line. But they
5 were -- in anticipation of getting -- adding an
6 additional line some point in the future, that would
7 require another CEC, but it should be really easy to
8 because it's strung on an existing line, so the -- you
9 know, so the environmental impact is virtually nil.

10 MR. ACKEN: Thank you for flagging that.
11 I've been focused on this one a little more.

12 CHMN STAFFORD: I can't imagine why.

13 MR. ACKEN: So I will double-check before
14 next Wednesday. Thank you.

15 CHMN STAFFORD: Well, that's kind of why I
16 put in as a double circuit. That's the focus. It's --
17 this is a double circuit tieing that double circuit
18 because you need the two to get all the power out of this
19 facility to the grid.

20 And the single-circuit one is more because
21 it's all inside the whole energy facility even though
22 only a portion of it's jurisdictional.

23 I guess the elephant in the room, of
24 course, is the limitation of the thermal plant. I've
25 looked at all the previous thermal plants we've

1 certificated, and they all specify the technology, the
2 number of units, and the total nameplate capacity. I
3 don't see a need to deviate from that.

4 I think should the -- I mean, the
5 applicant -- the onus is on them to figure out what their
6 project is going to be. I don't see it as micromanaging.
7 I think they have to pick what they're going to build.
8 And then we have to evaluate the impacts of that.

9 And then we approve or deny it or modify --
10 you know, or attach reasonable conditions to it. I
11 don't -- I don't like the idea of approving, well,
12 here's, you know, a smorgasbord of options that, you
13 know, they're all good. I think that kind of doesn't
14 fulfill the purpose of what this committee is supposed to
15 do.

16 And then I think that should you be unable
17 to obtain these particular generators which you express
18 your preference for, I think certainly this could be
19 modified by the Commission. And since based on the
20 record you've established in this one, I think there's a
21 good chance they would do it without a hearing.

22 But I'd prefer to be specific, say this is
23 what we're approving, this is the project, and we give it
24 a thumbs-up or a thumbs down. That's my two cents.

25 I guess we had this -- this section is

1 moved for discussion only at this point.

2 Do any other members want to comment on --
3 this before we have it moved for a vote?

4 MEMBER LITTLE: Mr. Chairman, I agree
5 completely.

6 CHMN STAFFORD: Any other comments from
7 members?

8 (No audible response.)

9 CHMN STAFFORD: Can I get a motion to adopt
10 project description?

11 MEMBER FONTES: So moved.

12 MEMBER HILL: Second.

13 CHMN STAFFORD: Further discussion?

14 (No audible response.)

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No audible response.)

19 CHMN STAFFORD: Hearing none, the project
20 description is adopted.

21 On to conditions.

22 MEMBER HILL: Mr. Chair, I move approval of
23 Condition 1.

24 MEMBER FANT: Second.

25 CHMN STAFFORD: Further discussion?

1 (No audible response.)

2 CHMN STAFFORD: I did add a little bit to
3 the language that the applicant had proposed. I thought
4 it would be worthwhile to have them submit their actual
5 air permits to docket control. Now, I added it as they
6 would in this case here, it could also be done as part of
7 your annual compliance filing.

8 I'm looking at the applicant if there's a
9 preference on that?

10 MR. ACKEN: Mr. Chairman, we don't have a
11 concern with docketing them. In my mind, I think we
12 would docket them as part of an annual compliance filing
13 unless we need to get moving, and, you know, this is a
14 restriction on starting construction. We may file it
15 sooner, but that's -- a compliance filing is fine.

16 CHMN STAFFORD: Right. I mean, it's going
17 to come down I think -- I think this one makes it clear
18 if you are going to start construction before an annual
19 compliance filing, just throw it in the docket.

20 And then if it's -- if it's -- you know,
21 depending on the time you do your compliance filing and
22 construction it could be done as part of that. I just
23 want to make it clear that it does -- I have seen some
24 compliance filings are -- that didn't seem to have
25 attached documents to them, so --

1 MR. ACKEN: Thank you, Mr. Chairman.

2 My understanding is the same as yours. I
3 mean, the depth and breadth of the compliance filing
4 depends on where you are in the process. If you're one
5 year out from obtaining your CEC and you haven't
6 undertaken any activities, it may be very brief.

7 When you're getting close to or in
8 construction, they get far more robust. But, you know,
9 we're comfortable providing this.

10 And the reference to before commencing
11 construction, my understanding just so I'm clear and make
12 sure I -- it's the same is, you know, that involves
13 construction of a substantial nature for the thermal
14 plant. You know, not like, okay, you're building an
15 access road or something like that. It's, you know,
16 you're ready to go vertical on the -- on the generation.

17 CHMN STAFFORD: Yes, because it says
18 initial and subsequent phases --

19 MR. ACKEN: Yeah.

20 CHMN STAFFORD: -- specific to the thermal
21 plant and its construction.

22 MR. ACKEN: Yep. Thank you.

23 CHMN STAFFORD: Further discussion?

24 (No audible response.)

25 CHMN STAFFORD: Condition 1 has been moved

1 and seconded.

2 All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No audible response.)

6 CHMN STAFFORD: Hearing none, Condition 1

7 is adopted.

8 Number 2.

9 MEMBER HILL: Mr. Chair, I move approval of
10 Condition 2.

11 MEMBER MERCER: Second.

12 CHMN STAFFORD: Further discussion?

13 (No audible response.)

14 CHMN STAFFORD: I would point out to the
15 applicant, because this is not just a transmission line,
16 it is also a power plant, I have removed the center line
17 of the project. You're looking at a radius from all
18 jurisdiction -- a one-mile radius of all jurisdictional
19 facilities.

20 MR. ACKEN: Yes, Mr. Chairman.

21 And we added the community of Wenden, so
22 it's going to be more than a mile anyway.

23 So, again, my philosophy on these is we
24 match a public notice, and so understand the removal of
25 the center line that makes sense. But just do want to

1 flag it will be more than a mile radius because it
2 captures the community.

3 CHMN STAFFORD: And that was your addition,
4 so I didn't have to put that in there.

5 MR. ACKEN: I just wanted credit for it.

6 CHMN STAFFORD: Yes, well done.

7 Condition 2 has been moved and seconded.

8 Further discussion?

9 (No audible response.)

10 CHMN STAFFORD: All in favor say "aye."

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No audible response.)

14 CHMN STAFFORD: Moved and seconded.

15 Hearing none, Condition 2 is adopted.

16 Number 3.

17 MEMBER MERCER: Mr. Chairman, I move
18 approval of Condition 3.

19 MEMBER LITTLE: Second.

20 CHMN STAFFORD: Further discussion?

21 (No audible response.)

22 CHMN STAFFORD: All in favor say "aye."

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No audible response.)

1 CHMN STAFFORD: Hearing none, Condition 3
2 is adopted.

3 Number 4.

4 MEMBER HILL: Mr. Chair, I move
5 Condition 4.

6 MEMBER MERCER: Second.

7 CHMN STAFFORD: Further discussion?

8 (No audible response.)

9 CHMN STAFFORD: All in favor say "aye."
10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No audible response.)

13 CHMN STAFFORD: Hearing none, Condition 4
14 is adopted.

15 Number 5.

16 MEMBER LITTLE: Mr. Chairman, I move
17 Condition 5.

18 MEMBER HILL: Second.

19 MEMBER MEEKER: Second.

20 CHMN STAFFORD: Further discussion?

21 (No audible response.)

22 CHMN STAFFORD: We'll get to the details of
23 Exhibit B when that comes up later on, but I do have to
24 say I do like this approach of having the mitigation
25 measures spelled out in a separate attachment instead of

1 referring to the pages of the application.

2 MEMBER LITTLE: Me too.

3 Number 5 is moved and seconded.

4 (No audible response.)

5 CHMN STAFFORD: All in favor say "aye."

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No audible response.)

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

11 Number 6.

12 MEMBER MERCER: Mr. Chairman, I move
13 approval of Condition 6.

14 MEMBER HILL: Second.

15 CHMN STAFFORD: Further discussion?

16 (No audible response.)

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No audible response.)

21 CHMN STAFFORD: Hearing none, Condition 6
22 is adopted.

23 Number 7.

24 MEMBER HILL: Mr. Chair, I move approval of
25 Condition 7.

1 MEMBER LITTLE: Second.

2 CHMN STAFFORD: Further discussion?

3 This has already happened. So when you
4 file your first compliance letter, you'll have one
5 condition already fulfilled.

6 Condition 7 has been moved and seconded.

7 (No audible response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No audible response.)

12 CHMN STAFFORD: Hearing none, Condition 7
13 is adopted.

14 Number 8.

15 MEMBER DICICCI0: Move approval.

16 MEMBER HILL: Second.

17 CHMN STAFFORD: Further discussion?

18 (No audible response.)

19 CHMN STAFFORD: All in favor say "aye."

20 (A chorus of "ayes.")

21 CHMN STAFFORD: Opposed?

22 (No audible response.)

23 CHMN STAFFORD: Hearing none, Condition 8
24 is adopted.

25 Number 9.

1 MEMBER DICICCIO: Move approval.
2 MEMBER HILL: Second.
3 MEMBER MERCER: Second.
4 MEMBER HILL: Is that Sal?
5 MEMBER DICICCIO: Yes.
6 CHMN STAFFORD: Further discussion?
7 (No audible response.)
8 CHMN STAFFORD: All in favor say "aye."
9 (A chorus of "ayes.")
10 CHMN STAFFORD: Opposed?
11 (No audible response.)
12 CHMN STAFFORD: Hearing none, Condition 9
13 is adopted.
14 Number 10.
15 MEMBER MERCER: Mr. Chairman, I move
16 approval of Condition 10.
17 MEMBER DICICCIO: Second. Sal.
18 CHMN STAFFORD: Further discussion?
19 (No audible response.)
20 CHMN STAFFORD: All in favor say "aye."
21 (A chorus of "ayes.")
22 CHMN STAFFORD: Opposed?
23 (No audible response.)
24 CHMN STAFFORD: Hearing none, Condition 10
25 is adopted.

1 Number 11.

2 MEMBER HILL: Mr. Chair, I move approval of
3 Condition 11.

4 MEMBER MERCER: Second.

5 MEMBER DICICCIO: Second.

6 CHMN STAFFORD: Further discussion?

7 (No audible response.)

8 CHMN STAFFORD: All in favor say "aye."

9 (A chorus of "ayes.")

10 CHMN STAFFORD: Opposed?

11 (No audible response.)

12 CHMN STAFFORD: Hearing none, Condition 11
13 is adopted.

14 Number 12.

15 MEMBER HILL: Mr. Chair, I move approval of
16 Condition 12.

17 MEMBER MERCER: Second.

18 CHMN STAFFORD: Further discussion?

19 (No audible response.)

20 CHMN STAFFORD: All in favor say "aye."

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No audible response.)

24 CHMN STAFFORD: Hearing none, Condition 12
25 is adopted.

1 Number 13.

2 MEMBER HILL: Mr. Chair, I move approval of
3 Condition 13.

4 MEMBER MERCER: Second.

5 MEMBER LITTLE: Second.

6 CHMN STAFFORD: Further discussion?

7 MEMBER FONTES: Mr. Chairman, how is the
8 applicant going to do this in phasing of the project's
9 construction?

10 CHMN STAFFORD: Well, every time
11 construction commences they'll have to put the notice
12 out.

13 MEMBER FONTES: I just wanted to -- because
14 this doesn't address that, but obviously just looking for
15 the practice of the applicant on that.

16 MR. ACKEN: Mr. Chair, Member Fontes, that
17 is my practice. I don't know if this applicant has had
18 to face that before, but, yes, multiple notices for each
19 phase. Sometimes on a transmission line of some length
20 you may limit the geographic scope, but, yes, multiple
21 notices.

22 MEMBER FONTES: So the applicant will put
23 that on themselves or put that condition on the EPC
24 contractor?

25 MR. ACKEN: It's usually an applicant

1 obligation because the applicant submits the compliance
2 certification, so, you know, the applicant has to put
3 their name on the compliance certification. They may
4 delegate the obligation to put it together to somebody
5 else, but the applicant has to certify it in the annual
6 compliance certification.

7 MEMBER FONTES: We don't have too many
8 phased projects, so I thought it warranted a little
9 discussion. Thank you.

10 MR. ACKEN: You bet. You're welcome.

11 CHMN STAFFORD: Condition 13 has been moved
12 and seconded.

13 (No audible response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No audible response.)

18 CHMN STAFFORD: Hearing none, Condition 13
19 is adopted.

20 Number 14.

21 MEMBER HILL: Mr. Chair, I move approval of
22 Condition 14.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 MEMBER FANT: One question.

1 CHMN STAFFORD: Yes, Member Fant.

2 MEMBER FANT: The gen-tie project, I forgot
3 what's in the gen-tie project.

4 Is that more than the transmission line or
5 just the transmission line?

6 CHMN STAFFORD: No, I removed the word
7 "project." The project refers to the thermal plant and
8 the gen-tie. Those are the two components of the
9 jurisdictional project.

10 MEMBER FANT: Ah, okay.

11 CHMN STAFFORD: To me it was confusing to
12 say gen-tie project, so the only -- the word project
13 could be used to encompass both jurisdictional elements.

14 MEMBER FANT: Okay.

15 CHMN STAFFORD: Individually they're
16 referred to as the thermal plant or the gen-tie.
17 Although that make it perfectly clear what the heck we're
18 talking about.

19 MEMBER FANT: Thank you, Mr. Chair.

20 CHMN STAFFORD: All right. Condition 14
21 has been moved and seconded.

22 (No audible response.)

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

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No audible response.)

2 CHMN STAFFORD: Hearing none, Condition 14
3 is adopted.

4 Number 15.

5 MEMBER MERCER: Mr. Chairman, I move
6 approval of Condition 15.

7 MEMBER DICICCIO: Second.

8 CHMN STAFFORD: Further discussion?

9 MEMBER COMSTOCK: Mr. Chairman.

10 CHMN STAFFORD: Yes, Member Comstock.

11 MEMBER COMSTOCK: I'm not sure if this is
12 the proper location, but this has -- this particular
13 project has a unique ingress and egress considering the
14 ramp that has to be built over the 30-inch El Paso
15 Natural Gas pipeline.

16 Do you -- I'll take -- if I could get your
17 direction on that, do you think we ought to spell that
18 out here or is that considered in general part of the
19 training that will go on?

20 CHMN STAFFORD: I think that would probably
21 be encompassed by the on-site working protocol. Well,
22 it's not environmentally -- is it environmentally
23 sensitive? No, it's more like -- I guess could it be
24 because if they bust that line it's going to cause all
25 kinds of environmental problems.

1 MEMBER COMSTOCK: And the other thing that
2 it might be environmentally sensitive to is they bring in
3 nonnative material to build that ramp, what could be a
4 concern about that.

5 CHMN STAFFORD: I'm looking to the
6 applicant.

7 MEMBER COMSTOCK: I think it's a different
8 component from the ingress and egress that you've talked
9 about in the past.

10 MR. ELLIS: Thank you, Member Comstock.

11 We will enter into a cross-in agreement
12 with El Paso pipeline, and that will be a condition that
13 we -- that we -- it's a contractual obligation on our
14 part --

15 MEMBER COMSTOCK: Okay.

16 MR. ELLIS: -- under that agreement.

17 Yeah, oh, and the question is how will it
18 get passed on to the contractors. We flow all those
19 requirements down in our EPC in our contract with our
20 builder.

21 MEMBER COMSTOCK: So you're going to tell
22 the folks that are driving on and off that site to use
23 that ramp only?

24 They're not to go off that ingress and
25 egress location over that pipeline.

1 MR. ELLIS: Yeah, that's standard and
2 customary practice on all construction sites.

3 MEMBER COMSTOCK: Thank you for that.

4 MR. ELLIS: Yeah.

5 MEMBER COMSTOCK: Thank you, Mr. Chairman.

6 CHMN STAFFORD: No problem.

7 So you don't feel that we need any
8 additional language to Condition 15?

9 MEMBER COMSTOCK: No, sir, not with that
10 explanation.

11 CHMN STAFFORD: All right. Thank you.
12 Condition 15 has been moved and seconded.

13 (No audible response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No audible response.)

18 CHMN STAFFORD: Hearing none, Condition 15
19 is adopted.

20 Number 16.

21 MEMBER HILL: Mr. Chair, I move approval of
22 Condition 16.

23 MEMBER MERCER: Second.

24 MEMBER LITTLE: Second.

25 CHMN STAFFORD: Further discussion?

1 (No audible response.)

2 CHMN STAFFORD: All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No audible response.)

6 CHMN STAFFORD: Hearing none, Condition 16

7 is adopted.

8 Number 17.

9 MEMBER HILL: Mr. Chair, I move approval of
10 Condition 17.

11 MEMBER MERCER: Second.

12 MEMBER LITTLE: Second.

13 CHMN STAFFORD: Further discussion?

14 MEMBER FONTES: Mr. Chairman.

15 CHMN STAFFORD: Yes, Member Fontes.

16 MEMBER FONTES: The applicant represented
17 that they're going to seek out a contract for a peaking
18 plant with SRP, but the interconnection is to WAPA.

19 I believe -- and please correct me,
20 applicant -- if you stated you're going to reassign that
21 interconnect to SRP or part of it, I think this kind of
22 remains silent on that technical operational capability
23 that they may be contractually required to assign or
24 perform as part of that service in this case.

25 And this is unique because it is a peaker

1 plant and it is reliability and it's a network
2 interconnection. I don't think we've seen it before, but
3 I want to raise it here, and I'd invite Member Little to
4 comment on that having served on the utility staff and
5 looked at these issues much more as a professional
6 engineer than I ever have.

7 CHMN STAFFORD: Member Little.

8 MEMBER LITTLE: I think that clarification
9 in that area is probably -- would probably be
10 appropriate.

11 I'm wondering haven't in the past we
12 specified that the system planning studies when they are
13 complete be provided to Staff also?

14 CHMN STAFFORD: Yes, we have. And
15 typically I think more lately it's been focused on the
16 interconnection agreement because that will contain the
17 necessary upgrades and the costs of those that will be
18 assigned to the applicant.

19 MR. ACKEN: So --

20 CHMN STAFFORD: Mr. Acken.

21 MR. ACKEN: Thank you, Mr. Chairman.

22 Your understanding is correct. I mean,
23 we've typically focused on providing interconnection
24 studies after CEC issuance so that the committee can take
25 comfort with the findings of fact that this project will

1 be interconnected reliably.

2 What we've not typically done is start
3 going under the hood with respect to specific contractual
4 agreements for purchasers. If we were to do that, it has
5 to be done -- we can't docket that information. It has
6 to be something that's provided to Commission Staff
7 pursuant to an existing protective agreement and so on
8 and so forth.

9 So, you know, the nuance of the peaker
10 distinction is perhaps a little lost on me, Member
11 Fontes. The concept of providing the interconnection --
12 excuse me, large generator interconnection agreement with
13 the transmission service provider is common, and I would
14 say it's also common that that is not the offtaker. And
15 so that's -- we've not tried to slice and dice it further
16 in my experience. The committee has --

17 MEMBER LITTLE: Mr. Chairman.

18 CHMN STAFFORD: Let's let Mr. Acken finish
19 his thought, and then I'll go to you, Member Little.

20 MR. ACKEN: Yeah, I'm sorry, Member Little,
21 I'm thinking slowly. So there was a long pause.

22 So, you know, the committee has been
23 focused on is this going to be able to reliably
24 interconnect. To that end the committee historically has
25 been relied on, okay, there's going to be a federally

1 regulated large generator interconnection process, make
2 sure Staff sees that.

3 And then, you know, how companies do
4 business with other companies has not been something we
5 focus on as much. But I may be missing some nuance. But
6 that's how we've done it historically.

7 CHMN STAFFORD: Yeah, I'm confused because
8 would you -- because the interconnection agreement gets
9 the facility attached to the grid at the Harcuvar
10 substation. And then you have -- you're going to enter
11 into a purchased power agreement with SRP for the
12 300 megawatts; correct?

13 MR. ACKEN: Solar and BESS, yes.

14 CHMN STAFFORD: Right.

15 MR. ACKEN: But those are two separate
16 things; right?

17 CHMN STAFFORD: Right. And then it's going
18 to be contractually on the applicant to get the power
19 from the Harcuvar substation to an SRP substation to
20 receive the power; correct?

21 MR. ACKEN: Yes. I believe the testimony
22 was yesterday that the delivery point for SRP was the
23 Liberty substation.

24 CHMN STAFFORD: Which is to the east of
25 this?

1 MR. ACKEN: Correct.

2 CHMN STAFFORD: It looks like there's two
3 WAPA Parker-Liberty 230kV lines running east and slightly
4 south from the Harcuvar. That's the pathway.

5 MR. ELLIS: I just want to modify that
6 statement. Our delivery is to Harcuvar. The offtaker --
7 we are arranging and procuring the transmission service
8 point-to-point agreement from WAPA, and then we will be
9 designed, but we will still be delivering our power to
10 Harcuvar --

11 CHMN STAFFORD: Okay.

12 MR. ELLIS: -- even though SRP service
13 territory -- or they have rights all the way up to
14 Liberty, that's how they complete their rights all the
15 way to Harcuvar.

16 CHMN STAFFORD: Okay. So you're still
17 going to Harcuvar. You're getting the transmission for
18 them. But they're -- you're going to assign that --
19 that's -- it's from the Harcuvar to Liberty that you're
20 assigning, not from the plant to the --

21 MR. ELLIS: Yes.

22 CHMN STAFFORD: So on this line to the
23 Harcuvar substation?

24 MR. ELLIS: Yeah, we deliver to Harcuvar.
25 We arrange the transmission for SRP. We wear that risk,

1 we sign that agreement during the development phase all
2 the way up until COD. But upon COD we will be signing
3 that contract over to SRP, and it will be theirs from
4 that point forward.

5 CHMN STAFFORD: Okay. So the extent of
6 your liability is to the Harcuvar substation. Beyond
7 that once it's assigned SRP is responsible for the power
8 once it exits Harcuvar and it's to Liberty then?

9 MR. ELLIS: That is correct.

10 CHMN STAFFORD: Okay. Does that help,
11 Member Fontes?

12 MEMBER FONTES: That does. That helps a
13 lot because then it relies upon SRP in terms of the
14 application here and any kind of future network upgrades,
15 mitigation measures for operations. That's what we
16 needed to know.

17 What I was suggesting is not where
18 Mr. Acken was going. It was more on the technical
19 operational utilization of that. We don't need the
20 contract. We just -- I thought Member Little, having
21 served on the Commission Staff, might have insights if
22 they need to know how that's operationally going to be
23 controlled and by whom. I'm thinking about NERC CIP
24 protocols and those sorts of things, Mr. Ellis.

25 MEMBER LITTLE: Mr. Chairman.

1 CHMN STAFFORD: Yes, Member Little.

2 MEMBER LITTLE: And I apologize for
3 interrupting you, Mr. Acken. I did think you were
4 finished.

5 CHMN STAFFORD: Frankly, we all did.

6 MR. ACKEN: It happens a lot.

7 MEMBER LITTLE: I am fine with this
8 language. It is WAPA that's going to be doing studies.
9 It's WAPA that's going to determine what needs to be
10 done.

11 And as has been pointed out, the
12 interconnection agreement, which will need -- which will
13 go to Staff under protective agreement, will spell out
14 anything that needs to be done. And what we're saying
15 here is that the applicant will be responsible for
16 whatever does need to be done. So I'm comfortable with
17 this.

18 Thank you.

19 CHMN STAFFORD: All right. Thank you.
20 Condition 17 has been moved and seconded.
21 Further discussion?

22 (No audible response.)

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

24 (A chorus of "ayes.")

25 CHMN STAFFORD: Opposed?

1 (No audible response.)

2 CHMN STAFFORD: Hearing none, Condition 17

3 is adopted.

4 Number 18.

5 MEMBER LITTLE: Mr. Chairman, I move

6 Condition 18.

7 MEMBER HILL: Second.

8 CHMN STAFFORD: Further discussion?

9 (No audible response.)

10 CHMN STAFFORD: All in favor say "aye."

11 (A chorus of "ayes.")

12 CHMN STAFFORD: Opposed?

13 (No audible response.)

14 CHMN STAFFORD: Hearing none, Condition 18

15 is adopted.

16 Number 19.

17 MEMBER HILL: Mr. Chair, I move approval of

18 Condition 19.

19 MEMBER MERCER: Second.

20 CHMN STAFFORD: Further discussion?

21 (No audible response.)

22 CHMN STAFFORD: All in favor say "aye."

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No audible response.)

1 CHMN STAFFORD: Hearing none, Condition 19
2 is adopted.

3 Number 20.

4 MEMBER MERCER: Mr. Chairman, I move
5 approval of Condition 20.

6 MEMBER HILL: Second.

7 MEMBER MEEKER: Second.

8 CHMN STAFFORD: Further discussion?
9 I'm looking to Mr. Acken. October 1, 2027,
10 is the initial file date.

11 MR. ACKEN: Mr. Chairman, working from
12 memory I think the hope was, and this would match up to
13 236 compliance certification, so we could just file one
14 concurrently. I guess we had 236 handy, so I can see if
15 I'm wrong.

16 CHMN STAFFORD: As do I.

17 MR. ACKEN: It matches.

18 CHMN STAFFORD: It is October 1, 2025, so
19 yeah, it's the same date.

20 Condition 20 has been moved and seconded.

21 (No audible response.)

22 CHMN STAFFORD: All in favor say "aye."

23 (A chorus of "ayes.")

24 CHMN STAFFORD: Opposed?

25 (No audible response.)

1 CHMN STAFFORD: Hearing none, Condition 20
2 is adopted.

3 Number 21.

4 MEMBER HILL: Mr. Chair, I move approval of
5 Condition 21.

6 MEMBER MERCER: Second.

7 CHMN STAFFORD: Further discussion?

8 MEMBER COMSTOCK: Mr. Chairman.

9 CHMN STAFFORD: Yes, Member Comstock.

10 MEMBER COMSTOCK: A point of clarification.
11 I know it's designated as El Paso Natural Gas line, but I
12 believe the owner is Kinder Morgan, so I'm not sure which
13 should receive the certificate, but --

14 MR. ACKEN: Mr. Chairman --

15 CHMN STAFFORD: Yes.

16 MR. ACKEN: -- and Member Comstock, if I
17 may.

18 I looked at that based on a conversation we
19 had in a prior case, and you're correct Kinder Morgan is
20 the top-level owner. El Paso Natural Gas is a standalone
21 company that owns this, and so that's why I listed El
22 Paso Natural Gas.

23 MEMBER COMSTOCK: Thank you.

24 MR. ACKEN: But there was thought that went
25 into that for that reason.

1 CHMN STAFFORD: Right. And I'll refer you
2 back to the project description where it states that it
3 be served by the new lateral from the gas pipeline that's
4 owned and operated by El Paso Natural Gas Company, LLC.

5 And they are in turn owned by Kinder
6 Morgan; is that correct?

7 MR. ACKEN: That's my understanding.

8 MEMBER COMSTOCK: That's my understanding
9 as well.

10 CHMN STAFFORD: All right. Condition 21
11 has been moved and seconded.

12 Further discussion?

13 (No audible response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No audible response.)

18 CHMN STAFFORD: Hearing none, Condition 21
19 is adopted.

20 Number 22.

21 MEMBER MERCER: Mr. Chairman, I move
22 approval of Condition 22.

23 MEMBER HILL: Second.

24 CHMN STAFFORD: Further discussion?

25 MEMBER FONTES: Mr. Chairman, is there an

1 extra 1 in that second citation? I'll leave that up to
2 you, but my old eyes here see two 1s.

3 CHMN STAFFORD: Actually, it has been
4 changed. The Commission relocated the line siting
5 rules --

6 MEMBER FONTES: Your call.

7 CHMN STAFFORD: -- to Chapter 7.

8 MEMBER FONTES: I'm seeing too many 1s that
9 I'm not used to seeing in there.

10 CHMN STAFFORD: It's a strike because
11 we're -- let me pull it up here.

12 MEMBER FONTES: It's kind of like "Foman"
13 Fontes.

14 MR. ACKEN: I'm getting the sense you don't
15 like my name change.

16 MEMBER FONTES: I share mailboxes with you
17 at a UPS Store.

18 MR. ACKEN: I forgot about that.

19 MEMBER FONTES: He gets my e-mail, and I
20 get his, on full disclosure. You're going to start
21 calling me --

22 MR. ACKEN: I've been called worse whatever
23 it is.

24 MEMBER FONTES: Same.

25 CHMN STAFFORD: Yes, because it's been

1 changed to R 14-7-113(F) because they took the -- the
2 Commission took the wholesale rules and didn't make any
3 changes subsequently, just renumbered them, so it's now
4 14-7-113.

5 MEMBER FONTES: I just noted a change on
6 document comparison, so I thought I'd flag it for you
7 because I know you like to get on those details.

8 Thank you, Mr. Chairman.

9 CHMN STAFFORD: Certainly.

10 All right. Condition 22 has been moved and
11 seconded.

12 (No audible response.)

13 CHMN STAFFORD: All in favor say "aye."

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No audible response.)

17 CHMN STAFFORD: Hearing none, Condition 22
18 is adopted.

19 Number 23.

20 MEMBER HILL: Mr. Chair, I move approval of
21 Condition 23.

22 MEMBER LITTLE: Second.

23 CHMN STAFFORD: Further discussion?

24 (No audible response.)

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

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No audible response.)

4 CHMN STAFFORD: Hearing none, Condition 23
5 is adopted.

6 Number 24.

7 MEMBER HILL: Mr. Chair, I move approval of
8 Condition 24.

9 MEMBER MERCER: Second.

10 MEMBER LITTLE: Second.

11 CHMN STAFFORD: Further discussion?

12 (No audible response.)

13 CHMN STAFFORD: All in favor say "aye."

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No audible response.)

17 CHMN STAFFORD: Hearing none, Condition 24
18 is adopted.

19 MEMBER HILL: Mr. Chair, I move approval of
20 Condition 25.

21 MEMBER LITTLE: Second.

22 MEMBER HILL: I was also thinking so -- I
23 didn't notice that we missed the second -- should this be
24 just about the thermal plant or should it be about the
25 project?

1 MR. ACKEN: So, Mr. Chairman, if I can
2 speak on Condition 25, this is a condition that has never
3 been in one of my gen-ties. It's only a thermal project
4 condition. And so if you look, what we do is we
5 reference prior case numbers.

6 And so what I did for the first 20-some was
7 reference my most recent case, which you heard in June,
8 which is going to the Commission next week, which is case
9 262.

10 For these next couple of conditions I
11 referenced -- I pulled from what I thought would be
12 relevant and appropriate from the two relatively recent
13 thermal plants. But that's why you see these from 25 on
14 I think are specific that I've only seen in thermal
15 plants.

16 MEMBER HILL: Okay. I think two years ago
17 the legislature passed like a fire mitigation strategy or
18 fire mitigation bill around transmission and other things
19 to do planning and other things.

20 And so I just wondered if we really did
21 meet -- and I'm fine with it the way it is if that's been
22 our practice. I just really wondered if it should just
23 be around the thermal plant given the wide-open nature of
24 the transmission line. But whatever you're comfortable
25 with I'm good with.

1 CHMN STAFFORD: All right. And then
2 before -- so, wait, we have 25 that's been moved and
3 seconded?

4 MEMBER HILL: Yes.

5 CHMN STAFFORD: Further discussion?

6 (No audible response.)

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

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No audible response.)

11 CHMN STAFFORD: Hearing none, Condition 25
12 is adopted.

13 26.

14 MEMBER MERCER: Mr. Chairman, I move
15 approval of Condition 26.

16 MEMBER DICICCI0: Second.

17 CHMN STAFFORD: Further discussion?

18 MEMBER FONTES: Mr. Chairman.

19 CHMN STAFFORD: Member Fontes.

20 MEMBER FONTES: "Applicant will comply with
21 all original equipment manufacturer directed procedures
22 for the safe disposal or recycling of project equipment."

23 But I see struck as coordination with the
24 local entities. I'm not aware that GE has specific
25 directed procedures. I know they have a bulletin. I've

1 seen that. I've read that for insurance procedures in
2 arbitration in a few cases in my own professional life.

3 I'm wondering why we wouldn't voluntarily
4 seek out and just coordinate and ask La Paz County and/or
5 the city of Wenden what they would view as adequately --
6 an adequately documented decommissioning plan as we've
7 seen on all other thermal plants that I've been on on
8 this line siting committee.

9 MR. ACKEN: Chairman, Member Fontes, if I
10 could speak to that.

11 The difference is -- as I understand it
12 is -- well, I'm not sure about those other cases, but my
13 understanding is that those other jurisdictions actually
14 can do this and require it.

15 La Paz County did not require that as part
16 of their approval process, and so there's no -- no person
17 there to coordinate with on said plan. And Wenden's an
18 unincorporated community.

19 So our problem is, if you call it a
20 problem, the scenario is we don't have a counterparty
21 governmental body with which to do this. So I struggled
22 with whether to even propose this. Our team decided to
23 include it, include the first part, show an intent, but
24 understand that there isn't an agency out there with
25 which whom we can interact on it. It's somewhat similar

1 to what we are doing on the groundwater monitoring
2 condition we'll talk about in a second. To the extent
3 that we don't have an obligation and Department of Water
4 resources doesn't have a depository for those, we do it
5 voluntarily.

6 And so that was the nature of the
7 modifications that you see, not an intent to avoid some
8 sort of La Paz County obligation.

9 MEMBER FONTES: I really appreciate that.
10 That's great context.

11 But I think they're going to have maybe a
12 contractual obligation, and I'd just like to hear from
13 the applicant is there something reasonable you might put
14 in here?

15 I know you're doing some great work with
16 the -- the -- you know, the native plant relocation and
17 those sorts of things. It seems like you're trying to do
18 the right thing for stakeholder public perception. You
19 know, reputation as an IPP developer this just seems kind
20 of thin.

21 CHMN STAFFORD: Might I suggest adding to
22 that sentence and formulate a decommissioning plan and
23 then that would have to be filed with the Commission as a
24 compliance item?

25 MEMBER HILL: Mr. Chair.

1 CHMN STAFFORD: I'm just spitballing ideas
2 here. Yeah.

3 MEMBER HILL: You already identified that
4 in your mitigation plan, Bert.

5 CHMN STAFFORD: In Exhibit B?

6 MEMBER HILL: In Exhibit B you already
7 said --

8 MR. ACKEN: We would do that.

9 MEMBER HILL: -- you would do that.

10 MR. ACKEN: Okay. So we don't need to do
11 it twice is what you're saying?

12 MEMBER HILL: Kind of. I mean, I'm good
13 with that.

14 MR. ACKEN: Thank you.

15 MEMBER HILL: Yeah.

16 CHMN STAFFORD: Member Fant.

17 MEMBER FANT: I was going to suggest we
18 just shorten 26 to read, "At the end of the thermal
19 plant's useful life applicant will safely dispose or
20 recycle project equipment," period.

21 CHMN STAFFORD: Yeah. Because are you
22 saying there's no original equipment
23 manufacturer-directed procedures?

24 MEMBER FANT: Yeah, drop that.

25 CHMN STAFFORD: They don't exist?

1 MEMBER FANT: I don't know if they do or
2 they don't.

3 CHMN STAFFORD: Member Fontes seems to
4 think no. I'm looking to the applicant. Does anybody
5 there have a --

6 MR. CRABB: I mean, I'll note that it's
7 lowercase o, e, and m, right, so it's not just the
8 turbines. It's all the other equipment. And so, yes,
9 some of them will have some procedures or they'll have a
10 bulletin or something maybe less formal. I think our
11 intent was just we'll comply with all the appropriate
12 mitigation measures.

13 CHMN STAFFORD: Okay.

14 MEMBER FONTES: I think it misses the mark
15 on balance of plant, and I actually respect and like
16 Member Fant's suggestion to the applicant if they could
17 voluntarily do that.

18 CHMN STAFFORD: Do I hear a motion?

19 MEMBER FANT: I move to amend Condition 26
20 to read, "At the end of the thermal plant's useful life
21 applicant will safely dispose or recycle project
22 equipment," period.

23 MEMBER HILL: Second.

24 CHMN STAFFORD: Further discussion?

25 I'm looking to the applicant.

1 MR. ELLIS: That's acceptable.

2 CHMN STAFFORD: The amendment has been
3 moved and seconded.

4 (No audible response.)

5 CHMN STAFFORD: All in favor say "aye."

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No audible response.)

9 CHMN STAFFORD: Hearing none, the amendment
10 is adopted.

11 Can I get a motion to adopt Condition 26 as
12 amended?

13 MEMBER MERCER: So moved.

14 MEMBER HILL: Second.

15 CHMN STAFFORD: Further discussion?

16 (No audible response.)

17 CHMN STAFFORD: All in favor say "aye."

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No audible response.)

21 CHMN STAFFORD: Hearing none, Condition 26
22 as amended is adopted.

23 Condition 27.

24 MEMBER HILL: I move approval of
25 Condition 27.

1 MEMBER MERCER: Second.

2 CHMN STAFFORD: Further discussion?

3 (No audible response.)

4 CHMN STAFFORD: All in favor say "aye."

5 (A chorus of "ayes.")

6 CHMN STAFFORD: Opposed?

7 (No audible response.)

8 CHMN STAFFORD: Hearing none, Condition 27

9 is adopted.

10 Number 28.

11 MEMBER MERCER: Mr. Chairman, I move

12 approval of Condition 28.

13 MEMBER HILL: Second.

14 CHMN STAFFORD: Further discussion?

15 All right.

16 MEMBER HILL: I just want to say thank you
17 to the applicant for making this available to the public.

18 CHMN STAFFORD: And let me check with
19 Member Meeker. This is acceptable to DWR?

20 MEMBER MEEKER: It is, Mr. Chair. I would
21 assume that all permitting involved with drilling well is
22 covered under Condition 4, so I think this would just
23 been an additional for 28, and it's acceptable to me.

24 CHMN STAFFORD: So it's a reporting
25 requirement that otherwise would not exist?

1 MEMBER MEEKER: Yes.

2 CHMN STAFFORD: And then how would --

3 MEMBER MEEKER: And then I will also assume
4 the applicant would report in acre feet.

5 Is that a fair assumption, Mr. Acken?

6 MR. ACKEN: Yes, Member Meeker, that is our
7 expectation and plan.

8 MEMBER MEEKER: Okay.

9 CHMN STAFFORD: All right. And then so all
10 they would do is to post it on their website and in
11 perpetuity -- well, for the duration of the life of the
12 plant, and then DWR will be able to view that at its
13 leisure.

14 And I assume that if DWR had follow-up
15 questions, the applicant would be more than happy to
16 answer them?

17 MR. ELLIS: Yes. I actually would like to
18 suggest a change in 28 just to make it a little bit
19 clearer, if I may.

20 MEMBER HILL: Yeah.

21 CHMN STAFFORD: By all means.

22 MR. ELLIS: So after it says, "annual water
23 usage," so give me just a minute --

24 CHMN STAFFORD: And my thought was is usage
25 the right verb?

1 Do we want pumping or is there --

2 MR. ELLIS: It would be withdrawal --

3 CHMN STAFFORD: Withdrawals.

4 MR. ELLIS: -- would be appropriate, would
5 be the first change to make here.

6 CHMN STAFFORD: Would you say groundwater
7 withdrawals is just withdrawals, is that --

8 MR. ELLIS: Yeah, groundwater withdrawal.
9 And then I would clarify this with
10 annually. So "Report annual groundwater withdrawal."
11 It's actually there in the annual. I'm thinking out loud
12 here.

13 CHMN STAFFORD: And that usage could come
14 out, wouldn't it?

15 MR. ELLIS: And I would say instead of that
16 is available for the life of the thermal plant, which is
17 the part that confuses me a little bit, I would say over
18 or during the operational life of the project.

19 CHMN STAFFORD: For the operational life of
20 the --

21 MR. ELLIS: Of the thermal plant.

22 CHMN STAFFORD: -- the thermal plant.
23 Yeah, because that's a component of the project.

24 MR. ELLIS: Thank you.

25 CHMN STAFFORD: So presumably a scenario

1 could exist where the solar plus storage expanding the
2 thermal plant was retired or a different technology
3 replaced the solar array and the thermal plant retired.

4 MR. ELLIS: Yep.

5 CHMN STAFFORD: Okay. So I guess can we
6 get a motion to amend Condition 28 to read, "If on-site
7 groundwater wells are used, applicant shall monitor and
8 report annual groundwater withdrawal on its project
9 website for the duration of the operational life of the
10 thermal plant"?

11 MEMBER FANT: So moved.

12 MEMBER HILL: So moved. Second.

13 CHMN STAFFORD: Further discussion?

14 (No audible response.)

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No audible response.)

19 CHMN STAFFORD: Hearing none, the amendment
20 is adopted.

21 Can I get a motion to adopt Condition 28 as
22 amended?

23 MEMBER HILL: So moved.

24 MEMBER MERCER: Second.

25 CHMN STAFFORD: Further discussion?

1 (No audible response.)

2 CHMN STAFFORD: All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN STAFFORD: Opposed?

5 (No audible response.)

6 CHMN STAFFORD: Hearing none, Condition 28
7 as amended is adopted.

8 And then I noticed that since this is a
9 plant and a transmission line we only have -- we're
10 missing a condition that would normally be attached to
11 transmission lines regarding running parallel to natural
12 gas pipelines.

13 MR. ACKEN: So, Mr. Chairman, if I may
14 speak to that.

15 We discussed that internally. We saw it
16 was removed from the last thermal plant.

17 CHMN STAFFORD: There was no transmission
18 line associated with that plant.

19 MR. ACKEN: But it was -- correct. But
20 there was also a discussion amongst Member Little and
21 Member Comstock about the nature of that condition.

22 MEMBER COMSTOCK: And so I read that -- you
23 know, I wasn't in the room, but I read that discussion
24 between them that that condition was designed to address
25 natural gas pipelines that -- and projects and

1 transmission lines that may not be aware of each other,
2 but where the applicant is building both certainly
3 there's going to be knowledge and compliance with all
4 applicable requirements. So that was the thought
5 process.

6 MEMBER LITTLE: Mr. Chairman.

7 CHMN STAFFORD: Member Little.

8 MEMBER LITTLE: I think it should go back
9 in.

10 It's -- I don't see any harm in putting it
11 back in. I don't see any unnecessary notifications or
12 burden on the applicant to put it in. It's just always
13 been there for transmission lines and for good reason.
14 And I -- even though it may not apply particularly here,
15 I think it should be in. That's my opinion.

16 CHMN STAFFORD: All right. We're looking
17 at the map on the placemat. Although highly unlikely
18 based on the size of the corridor and the anticipated
19 placement of the natural gas feeder line to the plant,
20 it's possible they could run parallel.

21 MR. ACKEN: They will run parallel.

22 CHMN STAFFORD: Okay.

23 MR. ACKEN: And so this will add additional
24 requirement. And so -- an additional reporting
25 requirement and an additional obligation for Staff.

1 Again, our initial thought was we'll leave
2 it in. After reading the transcript I'm, like, well,
3 maybe doesn't it make sense.

4 I would welcome Member Comstock's. You
5 know, he understands the gas piece. And if he thinks
6 that it -- you know, and if this committee decides that
7 it's helpful and necessary, we'll do it. But I think
8 it's -- you know, the thought was this was going to be
9 addressed in the normal course for this project.

10 MEMBER COMSTOCK: Mr. Chairman.

11 CHMN STAFFORD: Member Comstock.

12 MEMBER COMSTOCK: If I may, I think one of
13 the initial questions I had was the distance between the
14 El Paso Natural Gas pipeline and the proposed new
15 corridor for the gen-tie. And that distance was --

16 MR. ACKEN: That's almost a mile the record
17 shows. This condition may be triggered not by the El
18 Paso Natural Gas existing line but the new lateral that
19 it would be constructed. That's the only place where you
20 will see the potential for the gen-tie and the natural
21 gas lateral to be parallel.

22 Now, they won't be parallel outside the
23 scope -- outside the generating site footprint. And so
24 if we were defining the transmission line to not include
25 the generating site, then we're not going to have

1 parallel facilities at all.

2 So when we thought about it, it was, okay,
3 you are going to have parallel facilities within the
4 footprint of the generating site.

5 CHMN STAFFORD: Will that trigger the need
6 for the cathodic protection then?

7 MEMBER COMSTOCK: Well, not to get into,
8 you know, the scientific explanation behind it, but I
9 would -- I would prefer to have them back in just so that
10 it -- for in the future people know that we explored it.

11 But when the applicant runs the lateral
12 that goes into the facility, the amount of corrosion
13 control protection that's going to be put on that lateral
14 is significant. They're going to follow all the
15 requirements of PHMSA and the state to protect that line.
16 So there'll be some form of protection installed just
17 because of the project's design itself.

18 So my preference is to put it back in, have
19 the committee vote on it to know that we explored it.

20 CHMN STAFFORD: Well, you would be -- and
21 this -- and because the lateral would be owned and
22 operated by this applicant, correct, past the meter,
23 which should be at the end of the energy facility,
24 correct?

25 So you would be -- for the portion that

1 would be parallel you would -- the obligation to maintain
2 the integrity of that line would be on the applicant.

3 MR. CRABB: Correct.

4 CHMN STAFFORD: Okay.

5 MEMBER COMSTOCK: Well, Mr. Chairman, if I
6 may. I understood that the applicant was going to -- let
7 me make sure I remember the testimony. That Kinder
8 Morgan or El Paso was going to tap the pipeline at the
9 location that's designated. They're going to put a
10 regulator station and control valve at that location and
11 then run pipe up to the fence.

12 I'm not sure I ever understood where the
13 meter set was going to be set where they would take
14 possession of that. If the meter set is out by the tap,
15 that's a different location than up by the fence line
16 that goes into the project.

17 So I'm not sure I ever --

18 CHMN STAFFORD: Well, do you want to pull
19 the map up and point to where that -- we're talking about
20 or look at the map on the placemat?

21 MR. CRABB: We have not formally finalized
22 with El Paso where that meter will be.

23 The expectation -- and this has been our
24 experience across similar interstate pipelines -- is
25 their preference is to have the meter as close to that

1 tap as possible and that we would -- the applicant, we
2 would maintain and own and/or subcontract but still wear
3 the responsibility of that subcontractor's performance to
4 build it on the lateral.

5 MEMBER COMSTOCK: And certainly,
6 Mr. Chairman, that can change by project. But my
7 experience is they provide the tap, they'll put a secured
8 facility up for a regulator station and a meter set
9 assembly. And then once that leaves that meter set
10 assembly it becomes ownership of the applicant itself,
11 so -- themselves, so --

12 CHMN STAFFORD: So anywhere the gas
13 pipeline would run parallel to a transmission line it
14 would be both -- both facilities would be owned and
15 operated by the applicant and the onus would be on them
16 to maintain the integrity of both those infrastructure?

17 MEMBER COMSTOCK: That's correct. And the
18 contractor who the applicant says they're going to
19 procure to do that would be required to maintain that CP
20 on that system adequately to protect it from any straight
21 current that may come out of the facility itself.

22 So my preference is to put the old language
23 back in and vote on it and -- just so we explored it.
24 But I'm not sure we need to add anything new about
25 corrosion control because I think that's all going to be

1 taken care of by the pipeline company themselves.

2 CHMN STAFFORD: Right. Because they would
3 have to do this -- the only additional thing I'm seeing
4 is they've got to let Staff know they did the analysis.
5 Is that accurate?

6 I'm looking to the applicant.

7 I mean, anything required by this condition
8 you'd have to do anyway.

9 MR. ACKEN: Yes. There is -- let's go -- I
10 think the best thing would be to look at 236.

11 CHMN STAFFORD: Well, I can just go to -- I
12 pulled up 262, Condition Number 19.

13 MR. ACKEN: You're a step ahead of me. I
14 can look at 236 because I have it in the current binder.

15 CHMN STAFFORD: It should be the exact same
16 thing.

17 MR. ACKEN: It's the similar condition.

18 CHMN STAFFORD: I'm just thinking if we
19 wanted to -- I just did that for cases if you wanted to
20 add this condition back in, that would be the starting
21 point. I'd suggest we put it back into 19 and renumber
22 so it's consistent with other condition numbers in other
23 CECs.

24 But go ahead.

25 MR. ACKEN: No. If I understood -- was

1 there a question to me as to what it required in addition
2 to what we would do otherwise?

3 If I understood the question correctly,
4 it's reporting to Staff.

5 CHMN STAFFORD: Right. Because you're
6 responsible for the integrity of that gas line. You're
7 going to make sure that there's not a problem caused by
8 its proximity in parallel -- running parallel to the --
9 your own transmission line. It's like you have to
10 provide a copy of the studies to Staff.

11 That's the only additional requirement that
12 I'm seeing this condition imposing upon an applicant.

13 Is that -- am I wrong?

14 MR. ACKEN: You are not. Your
15 understanding is the same as ours.

16 CHMN STAFFORD: Okay. So does that -- is
17 that an undue burden on the applicant?

18 Does that -- it would be one more thing to
19 toss into your compliance filing, I guess.

20 MR. ACKEN: I think -- you know, the reason
21 I -- again, we didn't include it is because we just
22 didn't see it as necessary here. And we do try to look
23 at conditions on an individual basis and what makes sense
24 for one project and treat all projects similarly situated
25 the same.

1 Are you asking me if one additional
2 condition is an undue burden? I'm not going to argue
3 that it is.

4 So I think this applicant is comfortable at
5 least with the committee taking -- certainly the
6 committee can take a vote and impose whatever it wants,
7 but I don't think this applicant's going to oppose the
8 committee's decision.

9 MEMBER LITTLE: Mr. Chairman.

10 CHMN STAFFORD: Member Little.

11 MEMBER LITTLE: Just a comment.

12 I got totally knocked off there. We have a
13 huge thunderstorm going on here. My dog is practically
14 in my lap.

15 But I feel like if we leave it out, we are
16 leaving ourselves open to getting in an argument every
17 time we do a CEC for a transmission line. Everybody's
18 going to say, well, you know, I know of this line, and
19 it's 1.001 miles away.

20 And I just feel like it's worth putting it
21 back in. And that's my vote.

22 Thank you.

23 CHMN STAFFORD: All right. Do I hear a
24 motion?

25 MEMBER LITTLE: So moved.

1 CHMN STAFFORD: So the motion is to
2 reinsert as Condition 19 the condition Number 19 related
3 to natural gas lines parallel to transmission lines from
4 CEC 262 Condition 19 and then renumber?

5 MEMBER LITTLE: Yes, that's my motion.

6 MEMBER MERCER: Second.

7 CHMN STAFFORD: Further discussion?

8 Member Comstock, we look to you.

9 MEMBER COMSTOCK: I agree with putting it
10 back in, so my silence is concurrence.

11 CHMN STAFFORD: All right. The motion has
12 been moved and seconded.

13 Further discussion?

14 (No audible response.)

15 CHMN STAFFORD: All in favor say "aye."

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 MEMBER FANT: No. I'm a no.

19 CHMN STAFFORD: Nine ayes, one no. The
20 condition is adopted and reinserted into the certificate.

21 So that will be the new 19. And then
22 everything else will be renumbered.

23 All right. That is all the Findings of
24 Fact.

25 There was one other thing I thought we

1 might talk about.

2 Mr. Acken, for your air permit you'll have
3 to do continuous emission monitoring for the thermal
4 plant, will you not?

5 MR. ACKEN: I believe that was the
6 testimony that Mr. Crabb provided, yes.

7 CHMN STAFFORD: Okay. In prior cases we've
8 had those -- the applicants also put that on their
9 website.

10 Is that something the applicant would
11 consider and be willing to do?

12 MR. ACKEN: I don't recall seeing that.
13 Do you have an example of that?

14 CHMN STAFFORD: Yes. It is Condition 17
15 from CEC 197. I'm looking at the version -- the first
16 version that was issued on February 22, 2022 -- the 23rd,
17 excuse me.

18 MR. ACKEN: Well, I'm not sure that CEC was
19 ever adopted by the Commission, and that bottom --

20 CHMN STAFFORD: Wait, wait. It was. I can
21 scroll to it later and see if the model is still in
22 there. I think it probably is.

23 MR. ACKEN: So, again, we looked at the two
24 most recent ones. I don't believe either one of those
25 had that. I think case 197 was very unique with nearby

1 residents. I don't think we should be using case 197 as
2 a template for anything that this committee does.

3 But that's just me. But I realize there's
4 some baggage that I carry.

5 CHMN STAFFORD: Yeah, there's some --
6 there's some -- yeah, there's some trauma there, I guess,
7 is what Member Hill said.

8 You know, I thought we would bring it up to
9 discuss it. I didn't put it in the certificate, but I
10 had it ready to discuss it.

11 MR. ACKEN: It's my not my call. It's my
12 client's. I will say, you know, I --

13 CHMN STAFFORD: And my thought is that
14 maybe, you know, since you're going to display the water
15 usage on your website, maybe display the emissions, and
16 then you could also display, which we're not going to
17 require it because it's nonjurisdictional, but all the
18 emissions that are avoided because of the solar as a
19 public relations measure for your website.

20 MR. CRABB: Yeah, I mean, I'll defer a
21 little bit to Mr. Ellis's opinion as well. But the SIMS
22 data is broadly available via EPA's website, and so that
23 data is accessible, so we can at the very least point to
24 that data for interested parties.

25 CHMN STAFFORD: Is that -- is it worth

1 making it a condition?

2 I'm looking to my fellow members to hear
3 their thoughts.

4 I mean, because you're already reporting
5 that it's publicly available data. I mean, if you can
6 have -- you have to maintain the website to show the
7 water usage, you could have a link to that, I guess, on
8 your website. I don't know if it's worth having a
9 condition for certainly.

10 And then you can put other stuff on your
11 website talking about the -- all the emissions that are
12 avoided as well. And it kind of balances it out if
13 you're so inclined.

14 But I just thought I'd pose that to the
15 other members to see if it was worth discussing.

16 Member Hill, you look like you're about to
17 say something.

18 MEMBER HILL: I'm eating a cookie, but --

19 CHMN STAFFORD: Okay. Boy, did I misread
20 that.

21 MEMBER HILL: I think the ability -- I
22 think there's probably a lot of people who wouldn't know
23 where to find that easily with the EPA. I would.

24 But so I see value in reporting it. But I
25 think it would have to be on a voluntary basis for the

1 developer. And I agree. It could be on the website and
2 easily managed as part of the water and just do an annual
3 report kind of thing.

4 But I'm not going to require it of them. I
5 think -- I agree with Mr. Acken that the emissions were a
6 big issue in case 197, and the consequences of that and
7 the facility was different, and so I thought it was very
8 necessary in 197.

9 Whatever the applicant feels comfortable
10 doing voluntarily.

11 CHMN STAFFORD: All right. So I'm not
12 hearing a motion. Let's move on to the Findings of Fact
13 and Conclusions of Law.

14 Now, do we want to save ourselves some time
15 and move them all as a block? I think we've done that
16 before.

17 Or do we need to have discussions about
18 individual ones?

19 I'm looking to Member Little because she
20 had some -- I think she had some misgivings about some of
21 the phrasing in this portion of the certificate.

22 AV TEAM MEMBER: Mr. Chairman, I believe
23 Member Little is off with Internet issues again at the
24 moment. She's rejoining right now.

25 CHMN STAFFORD: Okay. Let's take a

1 10-minute recess while we sort out our technical issues.

2 Let's go off the record.

3 (Recess from 3:17 p.m. to 3:28 p.m.)

4 CHMN STAFFORD: Let's go back on the
5 record.

6 Member Little, can you hear us?

7 MEMBER LITTLE: Yes, I can.

8 Can you hear me?

9 CHMN STAFFORD: Yes, I can.

10 MEMBER LITTLE: I should probably talk fast
11 because I don't know how long I'll be here.

12 CHMN STAFFORD: All right. We're done with
13 the conditions, and now we're moving on to the Findings
14 of Fact and Conclusions of Law.

15 Can we move them all as a block or do we
16 need to have discussions on individual ones?

17 I do recall you said something about the
18 language in these.

19 MEMBER LITTLE: Could we possibly move 1
20 and 2 for discussion?

21 MEMBER HILL: So moved.

22 MEMBER MERCER: Second.

23 CHMN STAFFORD: Further discussion?

24 MEMBER LITTLE: I would like to propose
25 that we combine the two of those and eliminate the phrase

1 "preserving a safe and reliable electric transmission
2 system."

3 And I would like to explain my reasoning
4 for this.

5 CHMN STAFFORD: Please do.

6 MEMBER LITTLE: As I have said before in
7 this hearing, as a professional engineer, I have had
8 difficulty the entire time I've been on this committee
9 saying that because I personally do not know that to be a
10 fact.

11 However, when I can rely on Staff who
12 does -- or has in the past had the information necessary
13 for them to know that, I have relied upon them to
14 evaluate the information that they have and to make that
15 statement. And I have felt comfortable doing it.

16 I think it's important that we include --
17 that we continue to include the condition that says that
18 the information on the interconnection agreement be
19 included.

20 However, I have never felt that that
21 completely has taken care of the issues. I'm not sure
22 that I think that it is this committee's responsibility
23 to make that statement. In early old CECs, they didn't
24 say anything about preserving a safe and reliable
25 electric transmission system. I think that -- hang on.

1 I feel like going forward we are going to
2 see -- we are going to be faced with this kind of a
3 situation where we don't have the system impact study.
4 The utilities are overburdened with the methods that they
5 have to make system impact studies.

6 I know that applicants have come to us very
7 frustrated because they have done everything they needed
8 to do in a timely fashion but they don't have their
9 system impact study. And, you know, I understand the
10 situation. I understand the frustration. I understand
11 the difficulty that utilities are in. I'm glad I'm no
12 longer a utility system planner. The applicant, however,
13 I personally cannot make that statement.

14 So what I would propose is that we combine
15 1 and 2 so that it reads, "When constructed in compliance
16 with the conditions imposed in this Certificate, the
17 project aids the state and the southwest region of the
18 United States in meeting the need for an adequate
19 economical and reliable supply of electric power,"
20 period.

21 MEMBER HILL: Is that a motion?

22 CHMN STAFFORD: Well, no --

23 MEMBER LITTLE: Yeah.

24 CHMN STAFFORD: -- this is --

25 MEMBER LITTLE: Oh.

1 CHMN STAFFORD: -- being moved for
2 discussion only.

3 MEMBER LITTLE: Okay. That's what I would
4 propose. I'd like to know how others on the committee
5 feel about this.

6 CHMN STAFFORD: Well, it's -- let me turn
7 to the applicant. I'm trying to recall the genesis of
8 these being two separate Findings of Facts and
9 Conclusions of Law if there's a legal reason why it's
10 parsed out this way.

11 I'm looking to Mr. Acken.

12 MR. ACKEN: I think the reason is because
13 this is how the Commission lists them in their orders and
14 has for quite some time. And so what happened was
15 originally, Member Little is correct, CECs did not
16 include these proposed Findings of Fact and Conclusions
17 of Law. That was added by the Commission and its
18 subsequent approval.

19 At some point -- and it's been well over --
20 it's been close to 15 years at least the committee -- and
21 it might have been with Chairman Foreman when he took
22 over the role and said, you know what, let's create --
23 we're charged with creating this record, let's provide
24 these findings and conclusions for the Commission.

25 So I think it's the Commission's language,

1 number one.

2 Number two, I am very -- I'm fighting
3 yesterday's battles. I had a case -- a little case
4 called case 171 for a transmission line from New Mexico
5 into central Arizona where these Findings of Fact and
6 Conclusions of Law were modified.

7 And when they are modified for one project,
8 they stand out. And project opponents highlighted those
9 modifications to say, aha, this project doesn't do what
10 all these other projects do. And so that project was
11 nearly defeated at the Commission by a three to two vote.
12 Thankfully it wasn't, and today it brings over
13 3,000 megawatts of power throughout the southwest and
14 over 600 megawatts of power to SRP pursuant to a -- a
15 relatively recent announcement.

16 So I understand Member Little's concern,
17 but I have great concerns with, one, changing Commission
18 language, and two, singling out a project that's not the
19 right project to single out. This project has system
20 impact studies for the solar and the BESS, and it's got a
21 great strategy to get the rest.

22 And it has -- this committee has already
23 determined how to deal with this issue several years ago
24 with the addition of the language that says you will
25 supply additional studies confirming and proving so that

1 those facts are -- those Findings of Fact and Conclusions
2 of Law are accurate with the addition of what I believe
3 is Condition 17 in the CEC.

4 So I understand Member Little's concern.
5 We've had this discussion multiple times over the year.
6 I continue to be very concerned with singling out this
7 project, any project changing the Commission's language,
8 particularly when I have a public comment letter that I
9 think is -- careful with my language -- I think is not
10 accurate with respect to the realities of the world in
11 which we live in which there is a significant,
12 significant demand for new energy.

13 And so I think I'll stop there for now.
14 Thank you.

15 MEMBER LITTLE: Mr. Chairman, may I
16 respond?

17 CHMN STAFFORD: Yes, Member Little.

18 MEMBER LITTLE: I completely understand
19 your position, Mr. Acken. And I am fully in support of
20 this project. I think it is in every way a good project.

21 I particularly appreciate the presentation
22 for the hearing. You know, the applicant has been --
23 demonstrated incredible knowledge and been very
24 forthcoming, and I appreciate all of that.

25 However, my position is that I have always

1 felt uncomfortable about this. I'm not singling out this
2 project, although it probably -- you know, I understand
3 your fear that it will be perceived that way. As much as
4 I am saying, you know what, things have changed, we do
5 not have the same information we have had in the past.
6 We probably will not have the same information in the
7 future.

8 Do we continue to say what I do not believe
9 is true forever because we don't want to single anybody
10 out? I don't think that's the proper way to go either.

11 At some point, I think this should be
12 changed. And anybody who -- you know, whenever we make
13 that change who's ever sitting in your seat will say the
14 same thing you have said.

15 That is the position that I am in. You
16 know, I'm a registered engineer. I carry liability
17 insurance. I personally cannot feel comfortable making
18 this statement based on the information that we have
19 right now that says that I know for a fact that this
20 project will preserve a safe and reliable electric
21 transmission system.

22 MEMBER HILL: Mr. Chair.

23 CHMN STAFFORD: Are you done, Member
24 Little?

25 MEMBER LITTLE: I am. Thank you.

1 CHMN STAFFORD: Okay. Member Hill.

2 MEMBER HILL: I do think it's worth having
3 a conversation with the Commission about this over the
4 long term because we don't see the system impact studies.
5 We don't look -- we don't have access or the technical
6 expertise to evaluate those things.

7 Having said that, I am wondering that --
8 you know, this leads off the section that Member Little's
9 concerned about when constructed in compliance with the
10 conditions imposed in this certificate, is there language
11 that we could include in the conditions of the
12 certificate that require that the system impact studies
13 be filed, which we didn't in this one yet, we decided to
14 just go with interconnection agreements, and require that
15 those system impact studies show no safety or reliability
16 concerns?

17 We could -- do you see where I'm going with
18 this? If the condition of the certificate was to file
19 under confidentiality those system impact studies and
20 they had to find that there was no safety concerns or
21 impacts, then maybe we're meeting the intent of the first
22 half of that finding of fact.

23 I'm trying to thread the needle. But I
24 do -- this is another -- this is a conversation that we
25 should probably have with the Commission about our role

1 and the data that we actually have access to and the fact
2 that we don't have Staff -- we aren't staffed the way
3 that we used to be, Bert.

4 So what do you guys think about that?

5 MEMBER DICICCIO: Mr. Chair.

6 CHMN STAFFORD: Yes, Member DiCiccio.

7 Can you please turn your camera on?

8 MEMBER DICICCIO: I'm looking at the
9 original language --

10 CHMN STAFFORD: Member DiCiccio, can you
11 please turn your camera on?

12 MEMBER DICICCIO: I can.

13 CHMN STAFFORD: Thank you.

14 MEMBER DICICCIO: Hold on a second. There
15 you go.

16 CHMN STAFFORD: Okay. Thank you.

17 MEMBER DICICCIO: So I'm good with the
18 original language, and I agree that, like, with Ms. Hill
19 she said that they should go to the Commission. I found
20 them to be very reasonable every time I've called them.
21 I've always met with them.

22 So if anyone feels uncomfortable with any
23 language, I think they should just go meet with the
24 Commission and get it changed there.

25 You know, if I need to, do I need to move

1 these two items forward, I mean, the way it is?

2 I don't want to make any changes to this
3 because I think it would be not appropriate to do that
4 right now. And I think that the ones that have concern
5 with this should go meet with the Commission like I've
6 done multiple times.

7 CHMN STAFFORD: All right. The motion
8 before us is Findings of Fact and Conclusions of Law
9 Numbers 1 and 2 for discussion.

10 MEMBER HILL: And I'd like to hear from
11 Bert about what he thinks about my proposal.

12 MR. ACKEN: So there are times when we
13 submit the system impact studies when they haven't
14 already been done. Here they've already been submitted.
15 And I think Staff already has several of them. So this
16 is why it's referencing we're going to provide the LGIA.
17 So sometimes --

18 MEMBER HILL: Can I ask -- the system
19 impact studies for all four connections have not been
20 completed and submitted yet, have they?

21 MR. ACKEN: No, that's correct. That's
22 correct.

23 MEMBER HILL: That's the nuance here I
24 think for some of us.

25 MR. ACKEN: The issue -- I always

1 appreciate the spirit with which you, okay, can we find
2 some middle ground.

3 The issue with a system impact study is
4 it's going to find that some changes and upgrades need to
5 be made. And so but it's just the first step. And so
6 it's a first step in a multistep process, right. If you
7 do system impact studies and if you're doing them with
8 APS and SRP, guess what you're going to do, restudies and
9 so on and so forth. And so you get to the facilities
10 study it's really -- and it wasn't discussed in this case
11 so much, but I think this committee knows and certainly
12 it's been discussed in others that it's the LGIA which is
13 that final study. And so a system impact study is a
14 snapshot in time with a lot of assumptions that may not
15 come true.

16 And so what matters is the LGIA. And
17 that's what matters at the federal process. And that's
18 why it says -- because frankly you can have a system
19 impact study that says -- who knows what it's going to
20 say, particularly if it's a cluster study.

21 But the LGIA is the one that says this
22 project, the only way it gets to interconnect is if it
23 does X, Y, and Z. If it does that --

24 MEMBER HILL: It's safe.

25 MR. ACKEN: -- it's safe. And so that's

1 why we have focused on LGIA, and I think that's still the
2 right approach because that federal interconnection
3 process is an iterative one, and it's only going to get
4 more so as more and more cluster studies come on. So
5 that's -- so that's the thought.

6 And, you know, so I understand and I am
7 sympathetic to Member Little and the concerns, but I
8 still think 2 is accurate. You know, I'm not their
9 lawyer, but she can take -- I think this committee --
10 maybe not Member Little, but I think this committee can
11 take comfort that the federally regulated process is not
12 going to allow a project to interconnect that doesn't
13 preserve a safe and reliable electrical transmission
14 system, and we have a commitment to do that pursuant to
15 this Condition 17, and that's why we propose to keep 17,
16 which I probably didn't like at the time that the
17 committee adopted it, but, you know, it's one of those I
18 get it. And so it accomplishes that goal.

19 And so that's a long way of saying I think
20 we've struck the right equilibrium. I like Member
21 DiCiccio's idea is if there's further discussion, bring
22 in Commission and bring in Commission Staff before we
23 start changing their language.

24 Thank you.

25 CHMN STAFFORD: And I think one of the

1 issues that I think Member Little was highlighting is we
2 have the LGIA for 400 megawatts; correct?

3 There'll be an additional LGIA for the rest
4 of capacity that's going to come online eventually;
5 correct?

6 MR. ACKEN: Well, it says -- it says it
7 will -- yes, but the way 17 is written it --

8 CHMN STAFFORD: It's plural, right.

9 MR. ACKEN: Yeah.

10 CHMN STAFFORD: Those will also have to be
11 submitted. That's the next point I was getting to. I
12 just pointed out that this is not the only LGIA --

13 MR. ACKEN: Right.

14 CHMN STAFFORD: -- that will be related to
15 this project, and 17 will also require future LGIAs,
16 however many there are, to also be submitted to the
17 Commission Staff.

18 MR. ACKEN: The applicant understands that,
19 yes.

20 CHMN STAFFORD: Okay. That was the point I
21 was trying to make.

22 MR. ACKEN: Yep.

23 CHMN STAFFORD: Yes, thank you.

24 So the next step is to start moving to
25 adopt the Findings of Fact and Conclusions of Law for a

1 vote, and then they can be amended potentially.

2 MEMBER HILL: So, Mr. Chair, I'll move
3 adoption of the Findings of Fact and Conclusions of Law
4 Number 1.

5 MEMBER FANT: Second.

6 CHMN STAFFORD: Further discussion?

7 Member Little, further discussion?

8 MEMBER LITTLE: Ive had my say, Mr. Chair.
9 Thank you.

10 CHMN STAFFORD: Okay. Do you not wish to
11 propose an amendment?

12 MEMBER LITTLE: If anything, if we're just
13 going to deal with these individually, I can propose that
14 we include the phrase "when constructed in compliance
15 with the conditions imposed in this certificate" at the
16 beginning of that finding of fact.

17 I move that.

18 MEMBER HILL: Can I ask for a
19 clarification?

20 You're proposing that Finding of Fact and
21 Conclusion of Law begin with "When constructed in
22 compliance with the conditions imposed in this
23 Certificate, the project aids the state and the southwest
24 region of the United States in meeting the needs for an
25 adequate, economical, and reliable supply of electric

1 power"?

2 MEMBER LITTLE: Yes, I am. Thank you.

3 MEMBER HILL: I'm good with that.

4 I'll second that.

5 CHMN STAFFORD: Further discussion?

6 I'm looking to the applicant.

7 MR. ACKEN: Same position. I think it
8 sounds reasonable, and but I really think that this
9 should be discussed with the Commission before changes
10 are made.

11 MEMBER LITTLE: Mr. Chairman, I don't know
12 how to do that.

13 CHMN STAFFORD: Well --

14 MEMBER LITTLE: Perhaps you and I should
15 have this discussion.

16 CHMN STAFFORD: I think the first step
17 would be to go through the certificates and see when it
18 was added, because I remember I did that for I think it
19 was Condition 24 about, hey, you know, subsequent people
20 have to -- they have to be bound by the terms of the
21 condition lessees and everybody else that comes along,
22 and that was added by the Commission due to some
23 concerns. And it was modified to include lessees in
24 response to one specific case where they pointed that,
25 hey, there are going to be lessees that aren't going to

1 be bound by this. They need to add that specific term
2 into that list. And so that was the genesis of that
3 condition. That's why we wouldn't remove that one.

4 The thing is here we don't -- I think every
5 single certificate that we've issued in the last
6 certainly since I've been has included this language. We
7 added the "when constructed in compliance with the
8 conditions imposed in this certificate" to the second
9 Finding of Fact and Conclusion of Law in response to our
10 discussion/debate about whether or not we could issue a
11 certificate they had not had a completed system impact
12 study done.

13 And the fact that that was a huge
14 bottleneck at the utilities and that we ultimately
15 decided, no, that they won't get built unless they comply
16 with what the federal requirements are. And so there's
17 no reason for the federal bottleneck to trickle down and
18 bottleneck the state permitting process as well.

19 So I think -- so your proposal is just to
20 add that when constructed in compliance with the
21 conditions imposed in certificate to the first one as
22 well at this point?

23 MEMBER LITTLE: Yes.

24 CHMN STAFFORD: I don't think that
25 interferes with the first Finding of Fact and Conclusion

1 of Law. I mean, because it's assumed -- I think it was
2 added to the second one because it had to do with the
3 reliable and safe transmission system we needed that
4 verification from the LGIA and for the upgrades or
5 mitigations to be determined and then done before the
6 project could be connected.

7 MEMBER HILL: Bert -- I'm sorry, Mr. Acken,
8 you have a lot of history with this. You understand the
9 origin. You also seem to understand and empathize with
10 us not being in the best position to be evaluate safety
11 and reliability.

12 Would you be willing to work with us on
13 this at the Commission?

14 MR. ACKEN: I would welcome that
15 opportunity. Thank you.

16 MEMBER HILL: Okay. I make that commitment
17 as well to work with you on that.

18 MEMBER LITTLE: As do I.

19 Thank you.

20 And I appreciate that. And I feel -- I
21 agree with you if I knew how to do that, I would have
22 done it, so thank you.

23 MR. ACKEN: And I will say Member Hill has
24 a really nice way of saying you're old, so thank you.

25 MEMBER HILL: It's you're wise.

1 MR. ACKEN: Thank you. Thank you.

2 MEMBER LITTLE: Well, I'm older. Does that
3 mean I'm wiser?

4 CHMN STAFFORD: All right. So --

5 MEMBER LITTLE: Never mind. Strike that.

6 CHMN STAFFORD: -- there's a motion before
7 the committee.

8 Do you still wish to make that motion?

9 My thought is that for the time being I
10 would favor that we adopt all the standard six Findings
11 of Fact and Conclusions of Law at this point in time.

12 I think probably the next step would be to
13 have a generic meeting with -- starting with probably
14 Steve Olea to discuss the origins of these and the reason
15 behind them. Specifically if they were imposed by the
16 Commission itself, I would be loath to rewrite them
17 without clear either direction or reason -- or an
18 explanation that I could articulate well.

19 So I think that -- I think we should --
20 what I would like is I would ask that Member Little
21 withdraw her motion to amend, and then we substitute a
22 motion to adopt these ones, all six of the standard
23 Findings of Fact and Conclusions of Law, with the
24 understanding that we would be having a generic
25 discussion about these, not about this specific case,

1 with the Commission Staff.

2 MEMBER LITTLE: I will agree with that.

3 I have hesitated to say anything about
4 these in the last few cases for exactly the reasons that
5 Mr. Acken has outlined. And I feel like we are -- we
6 have a path forward here, and I withdraw my motion.

7 MEMBER HILL: Mr. Chair.

8 CHMN STAFFORD: Yes, Member Hill.

9 MEMBER HILL: I would like to move
10 adoption --

11 CHMN STAFFORD: Do you withdraw your second
12 as well, I guess?

13 MEMBER HILL: I'll withdraw my second.

14 CHMN STAFFORD: Okay.

15 MEMBER HILL: And I'll withdraw my original
16 motion just for number 1.

17 MEMBER LITTLE: And I'll withdraw my
18 second.

19 CHMN STAFFORD: All right. Can we -- can I
20 get a motion to adopt Findings of Fact and Conclusions of
21 Law 1 through 6?

22 MEMBER HILL: So moved.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: Further discussion?

25 (No audible response.)

1 CHMN STAFFORD: All in favor say "aye."

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No audible response.)

5 CHMN STAFFORD: Hearing none, Findings of

6 Fact and Conclusions of Law 1 through 6 are adopted.

7 On to Exhibit A. Exhibit A proposed --

8 now, the one from Hearing Exhibit to the proposed CEC,

9 that one is black and white. This map makes little sense

10 without color. I'm looking at the one on the placemat.

11 This is -- I think the placemat map is an acceptable

12 place to start with the color because then you can see

13 what's going on.

14 MR. ACKEN: You want it in color; correct?

15 Did I understand you --

16 CHMN STAFFORD: Yes.

17 MR. ACKEN: Yeah, I thought we submitted it

18 in color. And so we -- maybe it just got lost in

19 translation. But the thought would be I think you will

20 ask the committee for the authority to modify. And we

21 will make sure that what is shown as R12 reflects its

22 final and is in color, and that would be Exhibit A. That

23 was the intent when we filed.

24 CHMN STAFFORD: So this would be -- can I

25 get a motion to adopt as the Exhibit A it would be

1 Hearing Exhibit 5 Slide R12 --

2 MEMBER HILL: As Exhibit A?

3 CHMN STAFFORD: -- as Exhibit A to the
4 certificate.

5 MEMBER HILL: So moved.

6 MEMBER MERCER: Second.

7 CHMN STAFFORD: All right. Now, do we want
8 to make any changes to it? I think it's -- the legend
9 spells out what's going on. The only thing is is that
10 the corridor is going -- well, the whole purple corridor
11 up until it starts to make the turn into the energy
12 facility is a thousand feet wide; correct? That's the
13 width of that corridor?

14 MR. ACKEN: Yes, that's correct.

15 CHMN STAFFORD: Okay. My only thought is
16 that -- and the other dimension that's mentioned in the
17 certificate is the -- hang on. This thing is not
18 scrolling.

19 3700 feet, that's the north-to-south
20 distance of that purple section; correct?

21 MR. ACKEN: Correct. Within the footprint
22 of that energy center.

23 CHMN STAFFORD: Right. It's the whole
24 by -- the word thermal plant substation up to the top
25 blue line?

1 MR. ACKEN: That's correct.

2 CHMN STAFFORD: Okay. I think those are
3 the only two distances mentioned. I think that's pretty
4 clear. I don't think we need to draw little lines on
5 this map. It's got a lot of detail. I don't think
6 anything's getting lost on here.

7 But I think for the thermal plant you have
8 there's the 100 acres which is the yellow hatched area,
9 and there's the black hatched area which is the 80 acres
10 of the actual project site.

11 MR. ACKEN: Yes, that's consistent with the
12 testimony.

13 CHMN STAFFORD: Is it worth putting that in
14 the legend?

15 MEMBER HILL: It is. It is in the legend.
16 The hatched area.

17 CHMN STAFFORD: The acres? The acreage is
18 what I'm saying.

19 MEMBER HILL: Oh.

20 CHMN STAFFORD: Because the yellow hatch is
21 100 acres and the black hatch is 80 acres; correct?

22 MR. ACKEN: Yes.

23 MEMBER HILL: I think that would be a nice
24 add. I think we should just make note of that, and the
25 applicant can do modifications before the CEC is

1 submitted.

2 CHMN STAFFORD: Well, the motion is to
3 adopt Hearing Exhibit 5 Slide R12 as the Exhibit A. So
4 then we need a motion to amend that to include in the
5 legend the dimensions of the proposed Eagle Eye thermal
6 plant and the proposed Eagle Eye thermal plant buffer.

7 MEMBER HILL: The acres associated with
8 both of those?

9 CHMN STAFFORD: The acreage.

10 MEMBER HILL: So I'll move that.

11 MEMBER COMSTOCK: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Comstock.

13 MEMBER COMSTOCK: Is this the one we're
14 looking at?

15 CHMN STAFFORD: Yes. It's the same as
16 the -- it's more accurate to refer to it because not
17 everyone -- the placemat's not going to be a separate
18 thing that you can pull in and reference if someone is
19 looking in the docket.

20 MEMBER COMSTOCK: If we could get a
21 commitment from the applicant that all natural gas lines
22 will be shown in yellow.

23 CHMN STAFFORD: They are on this map.

24 MEMBER COMSTOCK: They are. And I just
25 want to make sure it remains that way.

1 MR. ACKEN: So committed.

2 MEMBER COMSTOCK: Thank you.

3 CHMN STAFFORD: Is there a second for the
4 motion to include the acreage of the thermal plant and
5 buffer?

6 I second that.

7 MEMBER MERCER: Second.

8 CHMN STAFFORD: All right. So does Member
9 Mercer.

10 Further discussion?

11 (No audible response.)

12 CHMN STAFFORD: All in favor say "aye."

13 (A chorus of "ayes.")

14 CHMN STAFFORD: Opposed?

15 (No audible response.)

16 CHMN STAFFORD: Hearing none, the amendment
17 is adopted.

18 Can I get a motion to adopt Exhibit A as
19 amended?

20 MEMBER HILL: So moved.

21 MEMBER MERCER: Second.

22 CHMN STAFFORD: Further discussion?

23 (No audible response.)

24 CHMN STAFFORD: All in favor say "aye."

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?

2 (No audible response.)

3 CHMN STAFFORD: Hearing none, Exhibit A as
4 amended is adopted.

5 The only suggestion I might have that would
6 be -- I don't think it requires a separate amendment --
7 is you have the yellow line, the dotted line, which shows
8 the lateral. It may be worth a little touchup,
9 Photoshop, however you want to do that, to make that a
10 little more --

11 MEMBER HILL: Visible.

12 CHMN STAFFORD: -- visible.

13 MR. ACKEN: Understood. We will do that.

14 CHMN STAFFORD: Bump up the contrast.

15 MR. ACKEN: Unfortunately I understood.

16 CHMN STAFFORD: All right. Next up is
17 Exhibit B.

18 MEMBER HILL: I move approval of Exhibit B.

19 CHMN STAFFORD: Which document? Is that
20 going to be -- that is attached to Hearing Exhibit 2, is
21 it not?

22 MEMBER HILL: It is.

23 MR. ACKEN: It is. It was both attached --
24 I believe it's attached to Chairman's exhibit and shown
25 on the screen, and it should match Slide L58 of Hearing

1 Exhibit 5.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: Who moved that?

4 MEMBER HILL: Me.

5 CHMN STAFFORD: Oh, you did?

6 Okay. And I was trying to -- and also

7 known as -- on Hearing Exhibit 5 slide what?

8 MR. ACKEN: 58. L58.

9 CHMN STAFFORD: It's all on that one slide?

10 MR. ACKEN: Yes.

11 MEMBER LITTLE: No.

12 MEMBER HILL: It's multiple.

13 MR. ACKEN: I think it's two pages.

14 CHMN STAFFORD: Right.

15 MR. ACKEN: So both pages are on Slide L58.

16 CHMN STAFFORD: All right. That has been

17 moved and seconded.

18 Further discussion?

19 MEMBER LITTLE: Mr. Chairman.

20 CHMN STAFFORD: Yes, Member Little.

21 MEMBER LITTLE: I just have some questions.

22 We didn't talk a great deal about in detail

23 about the Game and Fish letter. And I have some -- they

24 made mention of a few things and I just want to, I guess,

25 get the applicant's opinion on whether the

1 recommendations -- these specific recommendations that
2 are in the Game and Fish letter are included in the
3 mitigation measures that are shown in Exhibit B.

4 There are some species, the western
5 burrowing owl, the Sonoran desert tortoise, and other
6 burrowing species. They deal with them each
7 individually.

8 The Game and Fish letter is more detailed
9 than we are accustomed to seeing. They seem to be going
10 in that direction, which I think is great. And I just
11 want to be sure that it's the general consensus that the
12 mitigation measure that says if construction activities
13 must occur during active seasons for relevant species of
14 concern, qualified biologists will conduct surveys ahead
15 of clearing activities to identify active nests or
16 burrows and implement protective measures as necessary in
17 coordination.

18 Do we feel that that is sufficient to cover
19 the specific species that were mentioned in the Fish and
20 Game or do we need to say -- to modify that mitigation
21 measure to say -- to actually call the names out that
22 Fish and Game did?

23 CHMN STAFFORD: Is your question directed
24 towards the applicant or to other members?

25 MEMBER LITTLE: Both.

1 CHMN STAFFORD: Let's start with Mr. Acken,
2 and then other members can weigh in.

3 MR. ACKEN: Thank you, Mr. Chairman.

4 Member Little, that certainly was the
5 intent. I've asked and I think it's what was done by
6 cross-referencing I think it's in Exhibit C to the
7 application itself. I guess Hearing Exhibit 1 is where
8 all this starts, and then it's carried forward in the
9 mitigation measure.

10 I've asked Mr. Martin, who provided
11 testimony on this point with respect to mitigation
12 measures and his consultation with Game and Fish, to come
13 back up and provide confirmation of that as he remains
14 under oath.

15 MR. MARTIN: I confirm exactly what --

16 CHMN STAFFORD: Member Little.

17 MR. MARTIN: -- Member Little had asked.

18 MEMBER LITTLE: That you feel that general
19 statement covers -- or that Game and Fish will feel that
20 that general statement is sufficient to address their
21 concerns?

22 MR. MARTIN: I do confirm that.

23 MEMBER LITTLE: All right. That answers
24 that question.

25 MEMBER HILL: Mr. Chair.

1 CHMN STAFFORD: Member Hill.

2 MEMBER HILL: I'll just add that, I mean, I
3 looked at the specifics. I think that it will cover
4 because they're doing bird surveys or nesting surveys
5 preconstruction and they aren't limiting it to the
6 species. They're saying all species. So I feel
7 comfortable with that.

8 There was one instance where you may recall
9 we called out a specific bird because that bird was
10 really hard to monitor for or to survey for, and so we
11 called it out because it would require a special protocol
12 around that.

13 So I do think when Game and Fish calls out
14 a specific species and a specific set of special
15 protocols we might want to include it, but I don't think
16 that any of the species they identified here would need
17 anything particularly special was my observation.

18 MEMBER LITTLE: Okay. That's reassuring.
19 Thank you.

20 Anybody else have comments?

21 (No audible response.)

22 MEMBER LITTLE: Okay. My second -- the
23 second thing that I noticed that was in the Game and Fish
24 letter that I didn't see addressed in the mitigation
25 measures is that the Department noted that the project

1 design avoids washes and recommends that these washes are
2 left in their natural state without fencing or other
3 barriers to wildlife movement. Additionally, it is
4 recommended that corridor widths are increased where
5 feasible to include upland areas adjacent to the wash.
6 And then they specify a minimum corridor width if it's
7 feasible.

8 And I know that Mr. Martin addressed the --
9 you know, we don't have any particular wildlife
10 corridors. We have what -- were they called? -- movement
11 corridors or something, which made sense to me. But I'm
12 wondering whether that should be in the mitigation
13 measures or if we feel that they don't need to be in
14 there.

15 MR. ACKEN: Chairman Stafford, can I
16 address that?

17 CHMN STAFFORD: Yes, please, Mr. Acken.

18 MR. ACKEN: Member Little, there is a
19 correspondence trail on this that Mr. Martin discussed
20 yesterday, and I realize we were having technical
21 difficulties multiple times. So this could have happened
22 at one of those times.

23 But what the records show is that Game and
24 Fish -- and I'm looking at Hearing Exhibit 9. Game and
25 Fish asked for a suite of mitigation measures including

1 the one that you referred to. And that was a letter
2 dated April 23.

3 Mr. Martin responded on July 1 and said,
4 you know, appreciate the opportunity and I think
5 referenced that there was discussions but noted there
6 were two recommendations that were not feasible and
7 provided the explanations why.

8 Subsequent to that, there is -- and also in
9 this correspondence there is an e-mail from Arizona
10 Game and Fish on Monday, July 6, that says thank you so
11 much for sending this over and providing an update on
12 your team's efforts. Please let me know if there's any
13 way we can be of additional assistance. Looking forward
14 to continued coordination as the project progresses.

15 So, Mr. Martin, was that your understanding
16 that that addressed their concern and -- with respect to
17 that specific mitigation measure?

18 MR. MARTIN: That's correct.

19 MEMBER LITTLE: Okay. Thank you. That
20 deals with my concern.

21 I did not see that correspondence. All I
22 have seen or had seen up until now was the April 23
23 letter.

24 And the other one may also be in there, I'm
25 not sure, but that is the drainage improvement such as

1 culverts.

2 MR. ACKEN: Yes, Member Little.

3 And, Mr. Martin, if you could speak to that
4 briefly as well.

5 MR. MARTIN: Both of those recommendations
6 were dealt with in that correspondence back to the
7 Department.

8 MEMBER LITTLE: Great. Thank you very
9 much. You're way ahead of me.

10 Thanks for the clarification.

11 MR. ACKEN: Thank you.

12 CHMN STAFFORD: All right. So the Hearing
13 Exhibit 2, also Hearing Exhibit 5 Slide L58, Exhibit B to
14 the certificate has been moved and seconded; is that
15 true?

16 MEMBER HILL: Yes.

17 CHMN STAFFORD: Is it moved and seconded?
18 Yes?

19 Further discussion?

20 (No audible response.)

21 CHMN STAFFORD: All in favor say "aye."

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No audible response.)

25 CHMN STAFFORD: Hearing none, Exhibit B is

1 adopted.

2 Now we're ready to move the certificate as
3 a whole as amended.

4 MEMBER HILL: So moved.

5 MEMBER MERCER: Second.

6 CHMN STAFFORD: Further discussion?

7 (No audible response.)

8 CHMN STAFFORD: I'll do a roll call vote.

9 Member Comstock?

10 MEMBER COMSTOCK: Yes.

11 CHMN STAFFORD: Member Mercer.

12 MEMBER MERCER: Yes.

13 CHMN STAFFORD: Member Fant?

14 MEMBER FANT: Quick comment?

15 CHMN STAFFORD: Certainly.

16 MEMBER FANT: A really thorough and
17 professional presentation. Thank you.

18 Yes.

19 CHMN STAFFORD: Member Hill?

20 MEMBER HILL: Yes.

21 CHMN STAFFORD: Member Little.

22 MEMBER LITTLE: Yes.

23 And I also would like to thank everybody
24 present and those of us online for their patience with
25 dealing with -- you know, this is a difficult time in the

1 power industry, and I think we were hashing things out,
2 and I appreciate everybody's cooperation and
3 understanding. Thank you.

4 CHMN STAFFORD: Member Drago.

5 MEMBER DRAGO: I vote aye.

6 CHMN STAFFORD: Member Meeker?

7 MEMBER MEEKER: Aye.

8 CHMN STAFFORD: Member Fontes?

9 MEMBER FONTES: Comment?

10 CHMN STAFFORD: By all means as long as
11 it's brief.

12 MEMBER FONTES: Yes.

13 Just a comment. Thanks for the applicant.

14 I think others appreciate the diligence that I do.

15 But on the committee's conduct here, I find
16 that, you know, desert southwest needs more generation
17 capacity, but I think that's not a license for uneven
18 rigor on these. Whether it's a wind project or gas, I
19 think we've got to make these projects bulletproof for
20 lenders, investors, offtakers. And people do read these
21 documents, so consistency and discipline is what we're
22 trying to do to make these bulletproof for these
23 developers so they can get to financial
24 close/construction.

25 So I think even the application -- and I

1 applaud you, Mr. Acken, for working with our team to go
2 back to the Commission for some clarifications because as
3 a former lender and having worked a lot of project
4 finance it does matter, so appreciate it.

5 Yes.

6 CHMN STAFFORD: And I vote aye. By a vote
7 of 10 ayes and zero nays the certificate is granted.

8 Can I get a motion for the chair to
9 correct, sign, and file the order with the Commission?

10 MEMBER FANT: So moved.

11 MEMBER MERCER: Second.

12 CHMN STAFFORD: Further discussion?

13 (No audible response.)

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

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No audible response.)

18 CHMN STAFFORD: Hearing none --

19 MR. ACKEN: Mr. Chair.

20 CHMN STAFFORD: -- amendment passes -- the
21 motion passes.

22 MR. ACKEN: Mr. Chairman, I'm not sure I
23 heard Member DiCiccio. I don't know if he's still on
24 because he wasn't on the video, but --

25 CHMN STAFFORD: Member DiCiccio?

1 Did I call him or not?

2 MEMBER COMSTOCK: No.

3 CHMN STAFFORD: Oh.

4 MEMBER FANT: It looked like he had a
5 broken arm.

6 MR. ACKEN: He might not be there.

7 CHMN STAFFORD: I don't see him on here.
8 He must have dropped off.

9 Well, then there was -- by a vote of nine
10 to zero the certificate is granted.

11 MEMBER HILL: Regardless, it was unanimous.

12 MR. ACKEN: I'd like 10, but I like
13 precision. Thank you.

14 CHMN STAFFORD: Well, then 10 people need
15 to be here at the time of the vote, then, for that to
16 happen. You take what you can get.

17 MR. ACKEN: That's right. I like
18 unanimous. Thank you.

19 CHMN STAFFORD: All right. Well, thank you
20 very much.

21 Any other comments from members?

22 (No audible response.)

23 CHMN STAFFORD: With that, we are
24 adjourned.

25 (Proceedings concluded at 4:12 p.m.)

1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA)

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

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

12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and
14 ACJA 7-206(J)(1)(g)(1) and (2).

15 Dated at Phoenix, Arizona, August 10, 2026.

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JENNIFER HONN, RPR
Arizona Certified Reporter
No. 50885

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19 complied with the ethical obligations set forth in
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