

1 BEFORE THE ARIZONA POWER PLANT LS-275

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE) DOCKET NO.
 APPLICATION OF THSI BN, LLC, IN) L-21220A-23-0019-00215
 5 CONFORMANCE WITH THE)
 REQUIREMENTS OF ARIZONA REVISED) LS CASE NO. 215
 6 STATUTES, SECTIONS 40-360, ET.)
 SEQ., FOR A CERTIFICATE OF)
 7 ENVIRONMENTAL COMPATIBILITY) PREFILING CONFERENCE
 AUTHORIZING THE THREE SISTERS)
 8 SOLAR 230 KILOVOLT GEN-TIE)
 PROJECT LOCATED IN COCHSIE)
 9 COUNTY, ARIZONA.)
 _____)

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11 At: Phoenix, Arizona

12 Date: January 4, 2023

13 Filed: January 24, 2023

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15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, commencing at 3:01 p.m. on the 4th day of
5 January, 2023, with all participants appearing via
6 videoconference.

7

8 BEFORE: PAUL A. KATZ, Chairman

9

10 APPEARANCES:

11 For the Applicant:

12 Albert H. Acken, Esq.
13 ACKEN LAW
14 111 East Dunlap Avenue
Suite 1-172
Phoenix Arizona 85020

15 ALSO PRESENT:

16 Mr. Erik Ellis, BrightNight, Vice President of
Development
17 Mr. Joseph Perrine, BrightNight, Development
Associate
18 Mr. Brian Lindenlaub, WestLand Resources, Vice
President
19 Ms. Lisa Glennie, Glennie Reporting Services
Mr. Tod Brewer, Assistant to Chairman Katz

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1 CHMN KATZ: This is the BrightNight -- it's
2 "Bright" and "Night," no space in between -- Three
3 Sisters Project. And I think it will be CEC-215, but it
4 might be 214 because we already had a prefiling
5 conference on what I thought was going to be 214 but they
6 haven't filed their application yet. So you'll either be
7 CEC-214 or -215.

8 And I will ask Mr. Acken, who represents the
9 applicant, to identify himself and then to have all of
10 the participants that he might be calling upon to --
11 either you can identify them or they can identify
12 themselves.

13 MR. ACKEN: Thank you, Mr. Chairman. Bert Acken
14 of Acken Law on behalf of the applicant THSIbn, LLC,
15 which, as you mentioned, is a subsidiary or a joint
16 development, subsidiary, of BrightNight. We are here for
17 the Three Sisters gen-tie project.

18 With me, you have Erik Ellis, Vice President of
19 Development for BrightNight. Joseph -- you know, maybe I
20 should have you pronounce your last name to make sure I
21 don't butcher it. Introduce yourself, because you're a
22 new face to the chairman. And, Brian, you can as well.

23 CHMN KATZ: And if it's not a simple spelling,
24 tell us who you are and spell your last name for the
25 benefit of our court reporter.

1 MR. PERRINE: Yeah, my name is Joseph Perrine.
2 I'm a development associate for BrightNight. And really
3 look forward to meeting everybody. So thank you.

4 CHMN KATZ: And how do you spell your last name?

5 MR. PERRINE: P-e-r-r-i-n-e.

6 CHMN KATZ: Okay.

7 MR. ELLIS: Chairman Katz, thank you for meeting
8 with us today. It's good to see you again. Erik Ellis
9 with BrightNight. I lead the southwest region. I'm the
10 Vice President for Product Development. And my last name
11 is spelled E-l-l-i-s. And we were in front of you
12 earlier this year on the Box Canyon Solar Project in
13 March. So it's good to see you again.

14 CHMN KATZ: Good to see you.

15 And I think we have one more gentleman, Brian
16 Lindenlaub. And go ahead and introduce yourself and
17 spell your last name, please.

18 MR. LINDENLAUB: Yes, sir. Brian Lindenlaub.
19 And I am the principal in charge of the project on behalf
20 of WestLand Resources who are providing support on the
21 CEC application. My last name is L-i-n-d-e-n-l-a-u-b.

22 CHMN KATZ: Okay. I think that that is all --
23 and Tod Brewer is present here as well. He organized
24 this whole thing.

25 But are there any possible intervenors that

1 you're aware of?

2 MR. ACKEN: Chairman, not at this time. There
3 has -- this is a remote area, and I can pull up a map
4 here whenever you want to take a look at the project
5 vicinity as well as some sign locations.

6 It's a short transmission line, one-mile long,
7 interconnecting with an existing infrastructure in an
8 area where there just aren't many people. So so far in
9 the public outreach process, there's no indication that
10 we're expecting intervention.

11 CHMN KATZ: Is this a Yuma hearing, or is this
12 the Cochise County one?

13 MR. ACKEN: Cochise.

14 CHMN KATZ: Okay.

15 MR. ELLIS: But you're correct. We have another
16 project coming in front of you that's going to predate
17 this one by about a month, and it's in Yuma.

18 CHMN KATZ: Okay. Because my next one is in
19 Pinal County. Then I have two back-to-back hearings in
20 Yuma. And then I don't know what happens to this matter.
21 If they want to pay me a big bonus, I might be able to
22 stay on a little bit longer. But we won't worry about
23 that.

24 And I'm assuming that all interested parties
25 have been notified. And who are the public entities or

1 parties that have been given notice of this?

2 MR. ACKEN: So the project itself is in Cochise
3 County, so -- and then there is obviously an entitlement
4 process there as well for the associated solar and
5 storage project. We run -- and there's portions of state
6 land that we run near as well. The transmission line
7 itself is likely not going to be on state land. But
8 those would be the affected jurisdictions.

9 CHMN KATZ: Okay. No cities or towns are
10 involved? It's in a remote part of Cochise?

11 MR. ACKEN: Yeah, I don't believe -- are we in
12 the City of Willcox?

13 MR. ELLIS: We're not. We're not. But we have
14 reached out to the City of Willcox as part of our
15 community engagement. So we met with the manager over
16 there, Caleb Blaschke, over there as well.

17 CHMN KATZ: All right.

18 MR. ELLIS: But that's correct, we are not
19 jurisdictional to the City.

20 CHMN KATZ: Okay. No federal money or federal
21 lands involved; correct?

22 MR. ACKEN: Correct.

23 CHMN KATZ: And you mentioned maps. I didn't
24 get any prefiling documents. And that's fine. You know,
25 at the time that we have our prehearing conference, we're

1 going to want to have some exhibits that the court
2 reporter can retain.

3 MR. BREWER: Mr. Chairman, you should have that
4 map in your inbox.

5 MR. ACKEN: I just pulled it up on the screen.
6 That was -- I received it this morning but I missed it,
7 and so I didn't get it to Tod until about 15 minutes
8 before.

9 CHMN KATZ: I'm seeing that -- let me just --
10 I'm using two computers here. Let me get rid of --

11 MR. ACKEN: So I shared this. We will mark this
12 as a prefiling Exhibit 1.

13 CHMN KATZ: Okay.

14 MR. ACKEN: It shows the transmission line route
15 as well as the two sign locations. I can zoom out to
16 give you a little more --

17 CHMN KATZ: I have it pulled up on both
18 computers now. I did receive it. We'll make this
19 prefiling Exhibit 1. And you'll need to get a copy of
20 that to the court reporter for the inclusion in the
21 transcript.

22 MR. ACKEN: Yep, will do.

23 CHMN KATZ: Okay. And do we have a draft notice
24 of hearing or not yet? I don't need it today.

25 MR. ACKEN: I have it. I haven't sent it over.

1 The one thing I'm waiting on is our hearing location. So
2 we are considering using the City of Willcox Chambers.
3 They offered that to us. I'm still trying to determine
4 whether that's feasible given the Committee's needs and
5 the AV needs for this. So that's why I need to run that
6 to ground before we can commit to that. Alternatively,
7 we'll be looking at venues in -- other venues in Willcox
8 or Benson, both of which are in Cochise County.

9 CHMN KATZ: Okay. And I won't necessarily
10 suggest it because we don't have -- well, I'll mention
11 it, but I won't suggest it because we do have the
12 authority to hold these hearings at the State capitol. I
13 don't know where that would be, and I don't want to make
14 a mess out of things. So we'll probably do it on site.

15 But I'm assuming a tour probably isn't
16 necessary?

17 MR. ACKEN: Yes, Mr. Chairman, that's our
18 perspective. Given the lack of public interest as well
19 as just lack of anyone nearby. This is rural, sparse,
20 residential at most. And on this map, you can see our
21 two sign locations -- so we're proposing two sign
22 locations. They're a few miles to the east. They're
23 shown with the red stars, if you will, because that's the
24 nearest public access point. And so it's not easily
25 accessible. We'll be prepared if the Committee wants to

1 take a tour as we always are, but this project is one
2 we're not going to recommend given it's just there's not
3 easy access and we're going to have really excellent
4 virtual representation of the project for the Committee
5 to review.

6 CHMN KATZ: Okay. And on the map, this
7 Exhibit 1, are the sign locations noted on that?

8 MR. ACKEN: They are. Those are the two red
9 stars.

10 CHMN KATZ: Got it. Gotcha. Okay.

11 MR. ELLIS: Just to add a little bit of
12 additional color. I mean, this roadway -- Bert, if you
13 just zoom in a little bit again, just want to zoom in
14 just so the Kimzey Road can be legible. So Kimzey there,
15 it's just a dirt road that runs from the star locations
16 just all the way over there across Anderson Road and
17 Hedrick Lane. So that's just at the very end of a long
18 dirt road with extremely few residences out in the area.

19 CHMN KATZ: And you've already identified for
20 us, Mr. Acken, the affected jurisdictions. It's really
21 essentially Cochise County. You may have also given
22 notice to the land department, but you don't believe that
23 the project will be on state trust lands. And the City
24 of Willcox has also been given notice. So I'm assuming
25 that you have -- you have to prepare a notice to affected

1 jurisdictions in accord with A.R.S. § 40-360.04(A). And
2 I'm assuming that you either have done that or will be
3 doing that in filing it with the Corporation Commission?

4 MR. ACKEN: We will do that shortly after the
5 filing of the application. And, again, it will be those
6 two affected jurisdictions, Cochise County and state
7 land.

8 CHMN KATZ: Okay. And the lodging will be
9 determined once you have the venue decided, whether it's
10 somewhere in a county building or in a city building or
11 at a hotel.

12 MR. ACKEN: That's correct.

13 CHMN KATZ: I'm assuming there will be lodging
14 available for all of the Committee members that choose to
15 stay there, and I think that would probably be everyone
16 accept those appearing virtually.

17 And I'm not going to worry about the tour. I
18 don't know if you want to prepare a plan for that, but I
19 can't imagine if it's out in the boondocks, so to speak,
20 I can't see the need for a tour for a one-mile line.

21 And I hope that you'll, down the road, and the
22 other lawyers that handle these matters, can somehow get
23 through to some members of the legislature. Because it's
24 ridiculous to have to have a 10-person Committee and a
25 hundred thousand dollars or more spent by the applicant

1 to have us grant a certificate of environmental
2 compliance.

3 And the problem, for those of you who are
4 unfamiliar with the history, this Committee was formed by
5 statute in 1970, and about the only thing regulated were
6 the major utility companies and their transmission lines.
7 We didn't have solar all over the place and wind all over
8 the place. And I have one hearing I think -- it hasn't
9 happened yet -- where most of the line's underground.
10 The line that's aboveground that requires our permitting
11 is three-tenths of a mile. It's absurd to go through all
12 of this. That's a story for another day.

13 And if we do the -- we're starting this on a
14 Monday; correct?

15 MR. ACKEN: Correct. Monday afternoon at
16 one o'clock.

17 CHMN KATZ: Okay. So we would plan a tour for
18 Tuesday 2-28?

19 MR. ACKEN: That's correct. We will be prepared
20 if the Committee decides they want a tour.

21 CHMN KATZ: If we're going to do it, let's say
22 either nine -- somewhere between nine and 10 o'clock on
23 that Tuesday if a tour is wanted. I will discourage it,
24 and most of the Committee members don't want to take a
25 tour. And because of the location, we may have more

1 virtual participants than normal, so a tour doesn't do
2 them any good.

3 When are we going to have a prehearing
4 conference, Tod?

5 MR. BREWER: Thank you, Mr. Chairman. We have
6 this scheduled for January 23 at 3 p.m.

7 CHMN KATZ: I'm happy to do that. I don't think
8 I have any conflicts. Unless you want to make it an hour
9 earlier. What are your thoughts, Tod?

10 MR. BREWER: I don't see any conflicts on your
11 calendar, Mr. Chairman.

12 CHMN KATZ: Do you mind moving it to two o'clock
13 on the 23rd?

14 MR. ACKEN: That works for me, Mr. Chairman.
15 Thank you.

16 MR. ELLIS: Works for BrightNight too.

17 CHMN KATZ: Okay. We'll do it, then,
18 January 23. I'll probably conduct that prehearing
19 conference. I hope that I have somebody sitting in the
20 room with me.

21 And there's no ongoing litigation.

22 And we need to make sure that -- everyone needs
23 to get a copy of the application. I wish that applicants
24 didn't have to file 25 copies of it with the Corporation
25 Commission because a lot of the Committee members are

1 tired of getting a box full of -- box or two full of
2 documents when we have almost everything available to
3 them either on an iPad or some other tablet and most of
4 the critical exhibits get projected on a screen for us
5 all to observe live as testimony proceeds.

6 And I will draft a procedural order, or Tod will
7 help me or I will help Tod do that. He will probably do
8 the majority of that drafting because I don't see
9 anything out of the usual.

10 And we will need no later than the date of our
11 prehearing conference is a draft CEC. Are you seeking a
12 single CEC?

13 MR. ACKEN: Yes. This interconnection is with
14 AEPCO.

15 CHMN KATZ: Okay.

16 MR. ACKEN: And I don't believe AEPCO has
17 requested a second CEC. And so our plan so just to seek
18 one. There may be facilities that are assigned to AEPCO,
19 but that would be done pursuant to a partial assignment.

20 CHMN KATZ: Okay. And we'll do the public
21 comment. We might be waiting around for a while, I'm not
22 sure, but we'll do it at 5:30. And we've always set it
23 late in the day so that working people won't complain
24 that they were deprived of an opportunity. But I have a
25 feeling this could be like the last several hearings

1 where we get done an hour or two sometimes before public
2 comment for the day. But whatever. We'll probably run
3 up till about 4:30 on that first day and then take a
4 break and have public comments. I'm not expecting many.

5 If any public officials from Willcox, from the
6 county, or from the state wish to participate in public
7 comments, we will allow those officials to be called
8 ahead of any other members of the general public.

9 And I'm assuming that there's no NEPA process
10 involved because there's no federal funding and no
11 federal land involved.

12 But I'm assuming that all federal, state,
13 county, and local permit applications have either been
14 received or have been applied for and will obviously be
15 in place before any construction were to begin.

16 MR. ACKEN: That's correct, Mr. Chairman. And
17 we'll be prepared to address that at the hearing. As I
18 mentioned, the only other major authorization would be
19 the county entitlements for the associated solar and
20 battery project.

21 CHMN KATZ: Okay. And I probably don't need to
22 ask this, but I'm assuming we'll have one of our regular
23 crews for IT so we will have good Hi-Fi hotspots and
24 laptop access to docket control, et cetera, and that
25 you'll likely be providing iPads, tablets, Chromebooks,

1 or some other digital media for the benefit of those who
2 are present in person.

3 MR. ACKEN: Yes, Mr. Chairman. We're not going
4 to try and reinvent it right now, that's for sure.

5 CHMN KATZ: Okay. Are there any other issues
6 that you want to make a record of or that I should be
7 concerned about?

8 MR. ACKEN: Just wanted to talk about our filing
9 date. We're targeting January 19, which is a Wednesday,
10 to file. And then we are hope -- I always want to run
11 that by you and Tod to make sure that it's feasible to
12 get the notice of hearing docketed that Thursday or
13 Friday so we can make publication. Our intention is to
14 publish in the Arizona Daily Star, which is the
15 Tucson-based paper, which the advantage of it is it
16 provides us a daily publication window. So if we could
17 file on the 19th, then we can get that notice of hearing
18 docketed on the 20th or 21th, we should be good to go on
19 newspaper publication.

20 CHMN KATZ: And, Tod, we do have a hearing that
21 starts on the 17th, and I could still -- and that one is
22 our next one which is in Pinal County. But I'll have
23 access to my computer. So, if necessary, I can always
24 electronically sign that.

25 MR. BREWER: Thank you, Mr. Chairman. I do need

1 to make one correction, if I could, for the prehearing
2 conference date.

3 CHMN KATZ: Sure.

4 MR. BREWER: That's actually been scheduled for
5 February. I believe I mentioned January, but it's
6 February the 21st.

7 CHMN KATZ: Okay.

8 MR. BREWER: At three o'clock. I can still move
9 that to two if need be.

10 CHMN KATZ: Will that work for you, two o'clock
11 on the 21st of the February, not January? Is that a
12 problem for anyone?

13 MR. ACKEN: It works. That's funny. We were
14 all looking for the prehearing for the other.

15 MR. ELLIS: You're right. I didn't -- that was
16 Orchard.

17 (Simultaneous speaking.)

18 CHMN KATZ: And you need to make sure that the
19 court reporting company gets final transcripts of the
20 conferences and hearings posted to the applicant's
21 website. So we'll get a transcript of this hearing
22 within a few days, I believe. I'll let you work that out
23 with our reporter. But we need to make sure that a copy
24 of that transcript gets posted on the applicant's
25 website, and a transcript of any and all other hearings.

1 And outside of that, I didn't have anything
2 other than that I am in panic mode to get somebody
3 trained because if they want to pay me a hundred thousand
4 dollars a year to do nothing but line siting, I'd
5 probably agree to do it. But it's getting to the point
6 where I really think they need to get a full-time person
7 to be doing this. Because I figure that I'm in hearings
8 about 20 hours a month roughly, maybe 20, 24 hours a
9 month. And there isn't that much preparation, but we
10 have prefiling and prehearing conferences and a lot of
11 work to be generated.

12 So, anyway, I want to wish everybody belatedly a
13 very healthy and happy new year.

14 Is there anything else? Yes, what else do we
15 need to cover?

16 THE COURT REPORTER: Do you mind, can I get
17 Mr. Lindenlaub's title?

18 MR. LINDENLAUB: Just vice president.

19 THE COURT REPORTER: At BrightNight?

20 MR. LINDENLAUB: At WestLand Resources.

21 THE COURT REPORTER: Thank you.

22 CHMN KATZ: Is that the parent company, or is
23 that an environmental company?

24 MR. LINDENLAUB: Environment consulting company.

25 CHMN KATZ: That's fine. Just wanted to make

1 sure.

2 MR. LINDENLAUB: Sure.

3 CHMN KATZ: Anyway, belated happy new year to
4 you. May you live long and prosper. And we'll see you
5 back here on this matter on the 23rd -- 21st, excuse me,
6 of February. Okay. Anyway. Take care.

7 We do stand in recess.

8 (Proceedings concluded at 3:23 p.m.)

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1 STATE OF ARIZONA)
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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
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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, this 9th day of January,
16 2023.

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24 _____
25 JENNIFER HONN, RPR
 Arizona Certified Reporter
 No. 50885

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