

1 BEFORE THE ARIZONA POWER PLANT LS-286
2 AND TRANSMISSION LINE SITING COMMITTEE
3 IN THE MATTER OF THE) DOCKET NO.
4 APPLICATION OF THSI BN, LLC, IN) L-21220A-23-0019-00215
5 CONFORMANCE WITH THE)
6 REQUIREMENTS OF ARIZONA REVISED) LS CASE NO. 215
7 STATUTES, SECTIONS 40-360, ET.)
8 SEQ., FOR A CERTIFICATE OF)
9 ENVIRONMENTAL COMPATIBILITY)
10 AUTHORIZING THE THREE SISTERS)
11 SOLAR 230 KILOVOLT GEN-TIE)
12 PROJECT LOCATED IN COCHSIE)
13 COUNTY, ARIZONA.) EVIDENTIARY HEARING
14)

10 At: Willcox, Arizona

11 Date: February 27, 2023

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13 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 at the Willcox Community Center, 312 West
5 Stewart Street, Willcox, Arizona, commencing at 1:00 p.m.
6 on February 27, 2023.

7

8 BEFORE: ADAM STAFFORD, Chairman

9 GABRIELA S. MERCER, Arizona Corporation Commission
10 LEONARD DRAGO, Department of Environmental Quality
11 DAVID FRENCH, Arizona Department of Water Resources
12 JAMES PALMER, Agriculture Interests
13 MARY HAMWAY, Incorporated Cities and Towns
14 RICK GRINNELL, Counties
(via videoconference)
KARL GENTLES, General Public
(via videoconference)
MARGARET "TOBY" LITTLE, PE, General Public
(via videoconference)

15

16 APPEARANCES:

17 For the Applicant:

18 Albert H. Acken
19 ACKEN LAW
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1 CHMN STAFFORD: We'll call the meeting to order.
2 This is the time set for hearing on line siting
3 application L-21220A-23-0019-00215. I'm Chairman Adam
4 Stafford. Call the roll call for the Committee. We'll
5 start down to my right with Member Palmer.

6 MEMBER PALMER: My name is Jim Palmer, and I'm
7 representing agriculture.

8 MEMBER HAMWAY: Mary Hamway, cities and towns.

9 MEMBER FRENCH: David French, director's
10 designee for the Arizona Department of Water Resources.

11 MEMBER DRAGO: Len Drago, director's designee
12 for the Arizona Department of Environmental Quality.

13 MEMBER MERCER: Gabriella Mercer, I'm the
14 designate by the chairman of the Arizona Corporation
15 Commission.

16 CHMN STAFFORD: And with us virtually I see
17 Members Little and Grinnell. Could you please introduce
18 yourselves?

19 MEMBER LITTLE: Toby Little, representing the
20 public.

21 MEMBER GRINNELL: Rick Grinnell representing
22 counties.

23 CHMN STAFFORD: Let's go off the record for just
24 a moment.

25 (Off the record.)

1 CHMN STAFFORD: We're back on the record.

2 I have no applications to intervene, so we will
3 not need to take a vote on interventions.

4 I'll take appearances, please.

5 MR. ACKEN: Thank you, Mr. Chairman, and
6 welcome. Bert Acken of Acken Law on behalf of the
7 applicant, THSI bn, LLC.

8 I'd also like to welcome all the Committee
9 members for coming to Willcox. Not that -- a bit of a
10 drive for most of you, so we appreciate that, and
11 obviously appreciate the virtual participation as well.
12 Thank you so much.

13 CHMN STAFFORD: I will be taking public comment
14 at 5:30.

15 Are you prepared to present your first witness
16 or panel of witnesses?

17 MR. ACKEN: I am, Mr. Chairman. Do you want to
18 talk preliminarily about a tour, or would you like to see
19 the virtual tour first?

20 Our perspective, I'll just say, is that we don't
21 think a tour is particularly useful here. This is a
22 short transmission line, one to one and a half miles.
23 It's remote. A tour can't get very close. So we have
24 not recommended a tour.

25 But if the Committee wants to take one we'll be

1 prepared to do that. But it would nice to know sooner
2 rather than later if that's something we should be
3 prepared for.

4 Again, I don't know if you want to make that
5 decision now or wait until the testimony that we present
6 including the virtual tour and make that call at that
7 time.

8 CHMN STAFFORD: What's the pleasure of the
9 Committee? I'm inclined to wait until after I see the
10 virtual tour to discuss, but we can discuss it now if you
11 prefer.

12 MEMBER HAMWAY: It's your choice. I'm not
13 convinced we need a tour. So I'm good with waiting.

14 CHMN STAFFORD: All right. Thank you. You may
15 proceed, Mr. Acken.

16 MR. ACKEN: Thank you, Mr. Chairman. I'm just
17 going to give a brief opening just to orient the
18 Committee to this case.

19 Thank you. You can see on the two slides, the
20 slide on the left is actually Slide 20. The slide on the
21 right is Slide 23. These are from what's been marked for
22 identification as THSI-2, which is our slide deck.

23 The one -- the map on the left shows an overview
24 of the larger project area. You can see Willcox close to
25 the I-10, just south of the I-10. It's a bunch of green

1 dots for historical buildings within the Willcox area.

2 And I think we may be in one now, but I'm not a cultural
3 resource expert, so take that for what it's worth.

4 The project itself as you see is many miles to
5 the south on the other side of the Willcox Playa. It is
6 the irregular polygon that is labeled "Proposed
7 Transmission Corridor," that will interconnect with the
8 AEPCO transmission line from the Apache generating
9 station.

10 The map on the right shows a zoomed-in view of
11 the project facilities in the context of the area. As
12 you can see, primarily private lands, a portion of the
13 corridor is on state trust lands, and we'll be prepared
14 to discuss that as part of our case in chief.

15 I want to move next to what have been marked as
16 slides 93 and 94 from the presentation. And while that's
17 pulling up, since the application was filed, the
18 applicant has received a great deal of interest about
19 potentially collocating industrial facilities such as a
20 hydrogen plant with this project.

21 And so that occurred after the application was
22 filed, and we are requesting an expanded corridor in
23 which to place some additional facilities.

24 And as soon as that map is up, I'll show you
25 what we're requesting. It will be very similar to what

1 was requested and approved in the recent BrightNight Yuma
2 Orchard project, which had a hydrogen facility associated
3 with it.

4 So again, these are slides 93 and 94. The
5 original corridor and siting area is shown on the
6 left-hand screen, 93. The area of interest is in the
7 southern area.

8 Originally we had proposed an expected
9 substation location, and then a potential alternate
10 substation location to the southwest.

11 If you look on the map on the right, you see the
12 additional corridor requested, an expanded corridor in
13 that siting area to the northeast as well as to the
14 southwest.

15 That map also indicates that BrightNight owns
16 the property to the southwest and is in advanced purchase
17 negotiations for the property to the northeast. So this
18 is all on land that BrightNight either owns or is in the
19 process of acquiring.

20 There are no residential properties in this
21 area. And our team will explain both the reason for the
22 change as well as the notice that was provided and the
23 assessment of impacts associated therewith.

24 So we will be asking the Committee to make a
25 finding that there is no substantial deviation from the

1 original public notice.

2 I'll note that the original public notice just
3 talked about interconnection facilities. It wasn't
4 specific as to type. But it did have the map on the
5 left. And so we want to present that for the Committee's
6 consideration.

7 CHMN STAFFORD: If I may, Mr. Acken, what --
8 what is the difference in the width of the corridor
9 between the original proposed and what you're suggesting
10 now?

11 MR. ACKEN: Sure. So a couple things. You'll
12 see -- and we'll use different nomenclature. So if you
13 hear me refer to corridor or the witnesses refer to
14 corridor, we're typically talking about the gen-tie
15 itself, and there is no difference in the gen-tie
16 corridor.

17 It is still a 500-foot-wide corridor from the
18 siting area from the project substation up to the switch
19 yard location that will be on the AEPCO transmission
20 line.

21 So there's a project substation, transmission
22 line, switch yard interconnected to AEPCO. All that
23 remains the same.

24 The difference is you see that it goes from --
25 the northeast substation location is 1500 feet wide.

1 Whoever has the pointer, if you can go to the left map
2 and show that the northeast substation location, so
3 further south, so that was 1500 feet wide. We are now
4 asking that that be 3000 feet wide.

5 And then the southwest location is going from,
6 you know, 600-foot square to approximately 3,000 by 1500.
7 And, again, that's all on land owned by BrightNight. So
8 that's the nature of the request.

9 We will have three witnesses in one panel. The
10 three of them are eager and they're up there and ready to
11 get started. They will present testimony regarding the
12 project, the applicant's public notice and outreach
13 process, and the project's environmental compatibility.

14 All three witnesses have testified before this
15 Committee previously. Mr. Ellis and Ms. Sawchuk are with
16 BrightNight and have testified in the two prior cases
17 that BrightNight has brought before you. The Box Canyon
18 case about 11 months ago in Pinal County in Florence.
19 And then last month with the Orchard project in Yuma
20 County.

21 And Mr. Lindenlaub is with WestLand Resources.
22 He's also testified before the Committee and presented
23 expert opinion as to environmental compatibility.

24 So we have a handful of exhibits. They're
25 loaded on your tablets. And we also have a few hard

1 copies. If you hear us referring to exhibits, we'll use
2 THSI, so THSI-1 is the application itself.

3 THSI-2 is the slide presentation, the left and
4 right slides you will see.

5 THSI-3 is a letter from ACC Staff dated
6 February 8, 2023. The ACC letter regarding its
7 assessment of reliability in response to then Chairman
8 Katz's request for input.

9 THSI-4 is the public notice, and this is the
10 second notification that went out with the expanded
11 corridor.

12 And then the sign location map is THSI-5.

13 All identified here.

14 So that gives you a lay of the land. It's
15 overall, again, this is a project to interconnect, a
16 gen-tie to interconnect a solar project and potentially a
17 hydrogen facility.

18 One to one and a half mile transmission line
19 that will include interconnection facilities at the solar
20 project and hydrogen facility, and then obviously a
21 switch yard to interconnect with the existing AEPCO
22 infrastructure.

23 So with that, if there's any initial questions,
24 happy to field them now or tee them up for the panel.
25 But otherwise they are ready to be sworn.

1 CHMN STAFFORD: All right. Let's start with
2 you, Mr. Lindenlaub. Would you prefer an oath or
3 affirmation?

4 MR. LINDENLAUB: Affirmation, if you please.

5 CHMN STAFFORD: Do you affirm the testimony you
6 will give in this matter will be the truth, the whole
7 truth and nothing but the truth, taking into
8 consideration the penalties of perjury in the state of
9 Arizona?

10 MR. LINDENLAUB: I do.

11 CHMN STAFFORD: Mr. Ellis, oath or affirmation?

12 MR. ELLIS: Affirmation is fine, thank you.

13 CHMN STAFFORD: Do you affirm the testimony that
14 you will give in this matter will be the truth, the whole
15 truth and nothing but the truth, taking into
16 consideration the penalties of perjury in the state of
17 Arizona?

18 MR. ELLIS: I do.

19 CHMN STAFFORD: And Ms. Sawchuk, oath or
20 affirmation?

21 MS. SAWCHUK: Stick with the group.

22 Affirmation, please.

23 CHMN STAFFORD: Do you affirm the testimony you
24 will give in this matter will be the truth, the whole
25 truth and nothing but the truth, taking into

1 consideration the penalties of perjury in the state of
2 Arizona?

3 MS. SAWCHUK: I do.

4 CHMN STAFFORD: Thank you. You may begin.

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

6
7 ERIK ELLIS, MARIBETH SAWCHUK, and BRIAN LINDENLAUB,
8 called as witnesses as a panel on behalf of Applicant,
9 having been previously affirmed by the Chairman to speak
10 the truth and nothing but the truth, were examined and
11 testified as follows:

12

13 DIRECT EXAMINATION

14 BY MR. ACKEN:

15 Q. Mr. Ellis, let's start with you. State your
16 name and business address for the record.

17 A. (Mr. Ellis) Yes. Hi. Members of the
18 Committee, thank you. Chairman Katz (sic), thank you. I
19 know you do a lot of work for the State.

20 My name is Erik Ellis. I'm an Arizona native.
21 This is our third time in front of you in the past 12
22 months. I work for BrightNight. Our business address is
23 11201 North Tatum Boulevard, it's Suite 300 in Phoenix,
24 Arizona 85028.

25 Q. And I'd like you to provide a summary of your

1 educational background and work experience including your
2 current title. And I believe we do have a slide. There
3 you go. Thank you.

4 A. (Mr. Ellis) Yes. In terms of my background, so
5 I've been working in the industry now for over 20 years
6 in developing power plants of various sipes -- shapes and
7 sizes.

8 My background, I've got a bachelor's of science
9 in mechanical engineering from Worcester Polytechnic
10 Institute. I've got a master's of administration in
11 educational administration. I was a high school teacher
12 for five years.

13 And currently I serve as the vice president of
14 project development for BrightNight. And before, I've
15 been with BrightNight almost three years now, and before
16 I was with BrightNight, I worked for Arizona Public
17 Service as the manager of technology innovation for seven
18 years.

19 And was recently in front of you, this
20 Committee, in Yuma a month ago for the Yuma CEC, and then
21 earlier last year for Box Canyon.

22 As a side note, this Committee probably will be
23 pleased to hear that Box Canyon is now fully in contract
24 with the power contract and interconnection agreement.

25 We'll be starting construction on that

1 300-megawatt project this December. So that one's fully
2 moving forward. So thank you.

3 Q. And what is your role in this project?

4 A. (Mr. Ellis) So in this project, so I manage the
5 region. We have a team of five or six folks in the
6 region. I oversee the activities, one of my associates
7 Joseph Perrine is here in the area.

8 I was involved at the get-go in securing the
9 land rights for the project. We have worked with the
10 AEPCO utility here in Cochise County on the
11 interconnection of the project. We're just about to sign
12 an interconnection agreement.

13 But just in general, my responsibility for
14 overseeing the project development and supporting the
15 team for helping to find also a buyer of the output of
16 the project.

17 Q. Thank you, Mr. Ellis.

18 Ms. Sawchuk, please state your name and address
19 for the record.

20 A. (Ms. Sawchuk) My name is Maribeth Sawchuk. My
21 business address is 13123 Emerald Coast Parkway,
22 Suite B158, Inlet Beach, Florida 34261.

23 Q. And are you also employed by BrightNight?

24 A. (Ms. Sawchuk) I'm also employed by BrightNight.
25 My current role is vice president of communications.

1 Q. And next, summarize your educational background
2 and work experience.

3 A. (Ms. Sawchuk) So I have a bachelor's degree in
4 history and a master's degree in diplomacy, and I'm sure
5 my parents were wondering what I was going to do with
6 that, but I've spent my entire career in energy.

7 Not just renewable energy, but at the utility
8 sector and oil and gas sector as well. And have since
9 that time built a career working to educate the public
10 and engage communities in the value of renewable power,
11 and that is my role at BrightNight.

12 And this is the third time that I've been in
13 front of the Commission as well, like my colleague,
14 Mr. Ellis. And I'm excited to be able to point out some
15 of the things that we've learned across our portfolio of
16 work in Arizona today.

17 Q. And next, describe your role in this project.

18 A. (Ms. Sawchuck) Again, my role as vice president
19 of communications for BrightNight is to ensure that the
20 project is adequately communicated to our stakeholders.

21 But primarily make sure that we host a
22 transparent process through development and into
23 construction and ongoing operations.

24 But primarily through the permitting phase of
25 the project, ensure that the community is informed on the

1 work, their opportunities to provide feedback, and assess
2 the community in terms of how we might best become a
3 long-term partner.

4 Q. Thank you. Mr. Lindenlaub, state your name and
5 address, please.

6 A. (Mr. Lindenlaub) My name is Brian Lindenlaub.
7 Business address is 4001 East Paradise Falls Drive,
8 Tucson, Arizona 85712.

9 Q. Describe your current employment and a summary
10 of your educational background and work experience.

11 A. (Mr. Lindenlaub) I'm a vice president of
12 environmental services at WestLand Resources. Been with
13 the company for 25 years. And my experience is with,
14 really, the alphabet soup of environmental authorizations
15 in the southwest with a focus on Clean Water Act,
16 biological resources, and cultural resources.

17 Q. And what was your role in this project?

18 A. (Mr. Lindenlaub) I served as the principal in
19 charge of the project, providing oversight support for
20 the resource evaluations, the public outreach, and the
21 preparation of the application and exhibits.

22 Q. Thank you.

23 Next we're going to talk about a description of
24 the applicant. Mr. Ellis, I'd like you to describe the
25 specific applicant in this case, THSI bn, LLC, which is

1 new to the Committee, as well as provide a refresher for
2 the Committee, and for the new members describe its joint
3 venture partners.

4 A. (Mr. Ellis) Yes. We've got a few slides on
5 that. So to start off, the THSI bn, LLC stands for Three
6 Sisters, which is a feature, it's a land feature in
7 Cochise County.

8 So the Three Sisters Solar Project is a
9 wholly-owned subsidiary between BNC DevCo, which is a
10 joint venture between the company that Maribeth and I
11 work for, which is BrightNight Power and Cordelio Power.

12 A little bit about BrightNight. So BrightNight,
13 we are a renewable power solutions company. We have and
14 oversee now a development pipeline of over
15 20,000 megawatts within the United States with activity
16 across the U.S.

17 To put that in context, there's about
18 8,000 megawatts of operating power assets in the state of
19 Arizona today. So a portfolio of 21,000 megawatts or 21
20 gigawatts as you see noted here on the screen today is
21 almost three times the total capacity that's operating
22 today in Arizona.

23 Importantly for this Committee, we've got real
24 backing behind the company. We have a \$500 million
25 investment from GIP. GIP Infrastructure Group owns over

1 \$80 billion of infrastructure globally, and so they are
2 behind BrightNight.

3 And then we also have a joint venture
4 partnership with Cordelio. I've got a slide on them.
5 But they also provide funding to the company.

6 In terms of experience, the leadership team at
7 BrightNight has deep experience having permitted and
8 developed and built thousands of megawatts of operating
9 assets in North America today.

10 I mentioned our parent, Cordelio Power. So
11 within the western half of the United States as you can
12 see here on the screen above, we are partnered with
13 Cordelio.

14 Cordelio Power themselves, they are managing
15 1200 megawatts of operating power assets today. They
16 oversee their own growth pipeline of 17,000 megawatts.

17 Importantly for your consideration, they are
18 basically an independently governed investment manager of
19 the Canadian Pension Plan, who themselves have over 500
20 billion Canadian behind them.

21 And part of that Canadian Pension Plan and their
22 mission is to place investments into infrastructure
23 projects that generate predictable cash flows for the
24 pension holders.

25 Q. Let's turn next to the project description. And

1 provide an overview of the Three Sisters Solar Project,
2 the larger project.

3 A. (Mr. Ellis) Yeah. So what we, similar to Box
4 Canyon and Yuma, which you -- this Committee has seen
5 previously, Three Sisters is also a 300-megawatt solar
6 facility that is also coupled to a battery system, so
7 that we can provide power not only until the sun goes
8 down, but really when folks go to bed until ten or
9 eleven o'clock at night. It's important to keep the
10 lights running.

11 We are, as Mr. Acken noted earlier, the project
12 is located south of the Willcox Playa in a pretty remote
13 area at the end of a county road.

14 In terms of the facilities that you'll be seeing
15 today and considering there are three main aspects of the
16 project, there's a transmission line that's less than one
17 and a half miles in length and there's a project
18 substation where we step up the voltage from the solar
19 plant to transmission level voltage. And then there's a
20 switch yard where we connect into the grid.

21 We have picked this location because we think
22 it's a good place to put a project where we can have a
23 minimal environmental impact and an impact on the
24 community.

25 And as you'll see in some of the slides and

1 testimony that will be coming, this project also has the
2 potential for improving resiliency and reliability of the
3 grid.

4 Q. Next, talk about the benefits associated with
5 the project.

6 A. (Mr. Ellis) So the benefits -- you know, every
7 project that we do as a company, we always like to start
8 off with an economic impact study.

9 And we have worked in the past and we have
10 worked on this project with one of the best known firms
11 in the state, Elliott Pollack & Associates does these
12 kinds of analyses for counties and municipalities and
13 clients like ourself.

14 We retained Elliott Pollack & Associates to do
15 an economic impact study. The conclusions from that
16 study are summarized in -- in the charts that you see.

17 But it would bring more than 250 construction
18 jobs to the area. That would be over an 18-month period
19 of time. It would bring over \$259 million in regional
20 economic uplift over the life of the project.

21 Importantly for the county, it would generate 34
22 million in local, state, and property tax revenue, and up
23 to five permanent careers in renewable power, which
24 isn't -- one of the things that's nice about these
25 projects is because there's not a ton of folks that are

1 going to be moving to the area long-term, the county ends
2 up getting a nice property tax benefit but not an
3 attendant hit on services. And so we find these projects
4 can be really sort of net accretive to the communities
5 in which they're built.

6 And from an operating perspective, very little
7 water is now required for these photovoltaic solar
8 plants. They've gotten the robotic washing techniques
9 down to be very efficient. And so it's about 100,000
10 gallons a year to clean the panels which is, you know,
11 less than, you know, ten residential homes.

12 MEMBER GRINNELL: Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Grinnell.

14 MEMBER GRINNELL: Mr. Ellis, you talked about
15 your economic impact. Can you break that down as to
16 where that impact is going to be felt and who will be the
17 beneficiaries of that economic impact?

18 MR. ELLIS: Yeah, so the beneficiaries of --
19 obviously there's all of the direct construction related
20 jobs, and it is, typically those jobs are a combination
21 of local resources and highly-skilled resources that come
22 from throughout the state.

23 There's a -- during that 18-month time period,
24 there's typically a very high uptick in local business
25 activity. Obviously a lot of the workers and guests have

1 to stay locally to support the project, and they're doing
2 their grocery shopping and those kinds of things as well
3 as staying at hotels and making local purchases.

4 So those impacts are considered and tend to
5 really significantly bring business to the local
6 community during an 18-month time period.

7 The Elliott Pollack & Associates also looks at
8 the impact of the power to the system, and they measure
9 some of the impacts on that additional economic activity
10 as well.

11 And then when it comes to the 34 million in
12 property tax revenues, that typically goes to the county,
13 and half of it typically goes to the school systems in
14 the county, the school district and the other half is
15 used for general county services.

16 CHMN STAFFORD: I have a quick follow up
17 question on that. Is that 34 million, is that over the
18 life of the project or annually?

19 MR. ELLIS: Thank you for the question. It's
20 over the life of the project.

21 CHMN STAFFORD: Thank you.

22 MR. ELLIS: The first year is typically about \$2
23 million and then it tends to decline over time with the
24 depreciation of the solar plant.

25 CHMN STAFFORD: All right. Thank you.

1 MEMBER GRINNELL: Mr. Chairman, just real quick.
2 You say the life of the protect. Are we talking
3 20 years? And what happens after that life of the
4 project?

5 MR. ELLIS: Good question. So it's actually
6 40 years is the life of the project. Now, these panels
7 are really built to last. We typically will contract
8 with an offtaker for a 20-year term. Sometimes it's
9 25 years.

10 And then during the last 15 years we typically
11 turn around and recontract the second half of the project
12 after that first half.

13 At the end of the facility, we will fully
14 decommission the plant. We always work with the counties
15 to put a decommissioning bond in place to care for the
16 facility at the end of its life and remove all of the
17 above-grade infrastructure improvements and in many cases
18 recycle. The solar panels now are something like
19 95 percent recycled.

20 But we typically do a combination of recycling
21 the materials and then disposing of some of the materials
22 in accordance with the state laws and local laws and
23 rules and regulations.

24 MEMBER GRINNELL: Thank you.

25 MS. SAWCHUK: Just add in addition to Mr. Ellis'

1 comments, you have the \$34 million number in tax revenue.
2 Another couple of bullet points there would be just
3 under, it's \$15.9 million in estimated local labor income
4 during construction. And then another \$48.7 million in
5 direct economic output during construction, which
6 constitutes some of the activities that Mr. Ellis
7 described.

8 CHMN STAFFORD: Thank you. Please continue,
9 Mr. Acken.

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

11 BY MR. ACKEN:

12 Q. Mr. Ellis, I'd like you next to describe in
13 better detail than I sure did in my opening the
14 jurisdictional facilities that are subject of this
15 application.

16 A. (Mr. Ellis) There's three main components of
17 the jurisdictional facilities. There is, you know, first
18 of all, there's a project substation, the 34.5 230 kV
19 project substation or solar project.

20 You'll see a slide later, but it's going to be
21 down here in this area here. We own over 1900 acres of
22 property that we've already purchased. And we'll be
23 building the solar plant down in the southern part of the
24 project.

25 So we'll have a project substation down here

1 either located here or in this vicinity. That's the
2 first piece of it.

3 We have a 230 kV transmission line which runs up
4 here to the north in a 500-foot corridor. The actual
5 right-of-way width is going to be smaller than that.
6 Typically it will be within 100 feet.

7 And then we come up here to the AEPCO
8 transmission system, and we've been working carefully
9 with AEPCO on the final location at the project switch
10 yard. That's the third component.

11 And that's where we actually make the connection
12 to the grid and there's another substation, it's called
13 the switch yard where they install the circuit breakers
14 and other kinds of equipment to facilitate the
15 interconnection to the grid.

16 And together those comprise the CEC facilities
17 for your consideration today.

18 CHMN STAFFORD: Let me just follow up with that.
19 I remember Mr. Acken gave a description of the proposed
20 change in his opening. I'm not sure I got the numbers
21 down properly. So there's a difference for the switch
22 yard, it's going from 1500 feet to 3,000 square feet?

23 MR. ELLIS: Yeah. What we actually, Chairman
24 Stafford, we have a whole section in which we're going to
25 get in more detail into that.

1 And if you're comfortable, we could table it and
2 then we've got some slides and we can get into that in a
3 little bit later if you're comfortable.

4 CHMN STAFFORD: If I'm jumping ahead of your
5 presentation, by all means proceed and we'll get to it
6 soon and I'll ask again, I guess.

7 MR. ELLIS: You bet. And if for some reason I
8 don't address it fully, just please let me know.

9 CHMN STAFFORD: Thank you.

10 MR. ACKEN: Yeah, and we talked about the right
11 time to present that, and we thought it made sense to
12 present the project as originally proposed and then after
13 we do that we'll present the updates. And that was the
14 decision we made. But we will have a robust discussion
15 about the changes.

16 BY MR. ACKEN:

17 Q. So you mentioned the gen-tie route. I'd like
18 you to talk about the project structures next. The
19 typical tower structures.

20 A. (Mr. Ellis) Yeah, I'm going to -- actually I'll
21 touch on the gen-tie. The gen-tie is one to one and a
22 half miles in length. We originally were going to
23 connect it into the Apache generating station.

24 And then in working with AEPCO -- excuse me, I'm
25 pressing the wrong button -- we're now tying directly

1 north of the property that we own. That helps to
2 minimize the corridor. It was going to be over two miles
3 and we've gotten it about half that.

4 With respect to the pole types, we intend, and
5 you'll see this in the virtual tour, we intend to use
6 H-frame tangent structures, which you can see here off to
7 the right there's a few different types of those
8 structures. They'll typically be 80 feet tall. Off and
9 on, 500 to 700-foot spacings. And in some of those
10 additional structures you see off to the right are
11 sometimes necessary when we have to make a bend in the
12 alignment.

13 There's an alternate set of structures that
14 we're seeking your approval on, which would be steel
15 monopole structures, typical height 80 feet. This would
16 be just a pole with the insulators coming off the side of
17 it.

18 And this would give us additional flexibility
19 for some reason we need to get tight to a border or some
20 other consideration that would require a different pole
21 type.

22 Q. You mentioned earlier the ultimate right-of-way
23 and corridor width for the gen-tie route. I'd like you
24 to go into a little more detail on that.

25 And also put into context existing land position

1 with respect to private land. There's a portion, it
2 looks like state land. So if you could describe the
3 figure shown on Slide 33 for the Committee.

4 A. (Mr. Ellis) You bet. So for the CEC corridor
5 and the right-of width, again we start off with the
6 project substation located down here, and then we're
7 going to run -- we're going to run north within this
8 corridor up to the AEPCO transmission system.

9 The corridor -- the north-south corridor width
10 is 500 feet. And for the first portion of this run, we
11 are entirely on private land, where we either have or
12 will ultimately secure the rights for that, for the
13 transmission easement.

14 When we get up here to this portion of it, the
15 western half is on state land, and the eastern half is on
16 private land, and we already have an easement for that
17 private land here for this portion of the alignment.

18 And then we enter a property up here at the top
19 which is all this property is owned by AEPCO where we are
20 making -- we'll be building a project switch yard up here
21 to connect into the AEPCO.

22 But just to summarize from our corridor
23 perspective, it's 500 feet in width, entirely private
24 land on the eastern side. A portion of it is state land.
25 Again, the approval we are seeking is 500 feet to give

1 ourselves maximum flexibility, but ultimately that
2 corridor will only be 100 feet wide when it's built.

3 Q. And you used the term corridor, but it will be
4 the -- the ultimate right-of-way will be 100 feet. Is
5 that correct?

6 A. (Mr. Ellis) Correct.

7 Q. Next describe the proposed substation at the
8 southern area of the project and the switch yard at the
9 northern portion.

10 A. (Mr. Ellis) So the substation is pretty
11 standard substation design. It's at the southern
12 terminus of the gen-tie as you've seen. It steps up the
13 voltage for delivery to the transmission grid.

14 We'll have two to three step-up transformers
15 that will take the output from the solar plant which is
16 at 34.5 kV and it will step it up 230 kilovolts. Other
17 equipment that we'll have within that substation
18 footprint will be circuit breakers, switches and switch
19 gear, a control house, and a maintenance shed.

20 On the right you see a typically single line
21 diagram for those substation facilities here.

22 Q. And next, the switch yard.

23 A. (Mr. Ellis) So the project switch yard of course
24 is at the other end of the gen-tie, it's the very
25 northern end. It enables the physical interconnection to

1 the transmission grid.

2 This will be an AEPCO-owned switch yard so
3 they'll actually build that switch yard, they'll own it,
4 they'll operate it, they'll put it on their own property.

5 Very similar to the substation, it just doesn't
6 have the transformers because we're already at 230
7 kilovolts, and so they're going to have circuit breakers,
8 switches, switch gear, control house and a maintenance
9 shed.

10 And off to the right you see a schematic of
11 their facilities from the already-completed
12 interconnection facility study with AEPCO.

13 Q. Thank you.

14 That's actually an excellent segue to my next
15 question. I'm going to have you turn to what has been
16 marked for identification as Exhibit THSI-3.

17 Do you have a copy of that letter in front of
18 you?

19 A. (Mr. Ellis) If you give me just a moment I'm
20 going to pull it open.

21 MR. LINDENLAUB: It's in this book as well.

22 MR. ELLIS: Go ahead, Mr. Acken.

23 MR. ACKEN: And for the record this is a letter
24 dated February 8, 2023, from Eli Abinah, director of the
25 utilities division in response to a letter from then

1 Chairman Paul Katz.

2 BY MR. ACKEN:

3 Q. I'd like you to summarize or read for the
4 Committee the conclusions and recommendations on page 2,
5 as well as the Staff's summary of the system impact
6 statement -- system impact study that is on the paragraph
7 before the conclusion.

8 A. (Mr. Ellis) Yes, I'll start there. It reads:
9 "In order to fully analyze any potential effects on the
10 bulk transmission system from the proposed project, Staff
11 requested the applicant provide a copy of the system
12 impact study which was performed by AEPCO.

13 "The results of the system impact study
14 determined that the addition of the proposed project will
15 not adversely affect AEPCO's transmission system."

16 Then it goes on to the conclusions and
17 recommendations where it says, "Based on Staff's review
18 of the application as well as the applicant's response to
19 a Staff-issued data request, Staff believes the proposed
20 project could improve the reliability and/or safety of
21 the operation of the grid and the delivery of power in
22 Arizona."

23 MEMBER LITTLE: Mr. Chairman.

24 CHMN STAFFORD: Yes, Member Little.

25 MEMBER LITTLE: I do have a question about that.

1 The letter says that they looked at the study that was
2 performed by AEPCO, and that AEPCO concluded that it
3 would not adversely impact their transmission system.

4 I have some concern that since the ten-year plan
5 was first submitted to the Commission less than a year
6 ago that this project has not been included in any
7 Arizona-wide or regional system impact studies. Is that
8 the case?

9 MR. ELLIS: Mr. Acken, I can respond to that if
10 you'd like.

11 MR. ACKEN: Yes, please.

12 MR. ELLIS: Committee Member Little, thank you
13 for the question.

14 And so as part of interconnection study process,
15 it is a requirement that under that process that there
16 are affected systems, that all of the affected systems
17 are also looked at as part of the final interconnection
18 agreement.

19 And we can't -- we can't execute that agreement
20 is my understanding until all those affected systems are
21 fully signed off. And so as part of the interconnection
22 study process they not only look at the effect of AEPCO's
23 system but also the adjacent members.

24 MEMBER LITTLE: I guess system planning has
25 changed in that you look at the immediate -- or the

1 impact on the immediate transmission system and in the
2 immediate area. Then you go ahead and build the project
3 or get close to building it, get your interconnection
4 agreements in place. And then do a system study.

5 MR. ELLIS: The affected system study is --
6 that's generally handled during the study process. The
7 bulk electric system is one machine, and so they do
8 look -- they do look in those studies at the stability
9 and reliability of the broader grid, just not the
10 interconnecting utility, is my understanding.

11 I'm not a power systems engineer so I'm kind of
12 relaying my general understanding of the process.

13 MEMBER LITTLE: Okay. I think my concern is
14 that these projects are coming so fast and furiously that
15 the traditional way of checking to make sure that the
16 regional area and/or western grid will not be affected by
17 addition of these systems, there's -- that is just not
18 done before the projects are approved.

19 MR. ELLIS: Committee Member Little, if it
20 brings you any comfort, so we just went through a process
21 on Box Canyon earlier. I mentioned today that we're
22 going into construction for that project.

23 And we were not able to execute that
24 interconnection agreement until we got the approval from
25 WAPA, which was an affected system to do that, and so

1 WAPA looked at our solar project and our plan for battery
2 storage.

3 We had to answer some questions with WAPA, we
4 had to get them comfortable so that they provided a
5 notice that allowed us to sign that interconnection
6 agreement.

7 I know that's only a one-off case for your
8 consideration, but I do know that in that case we had to
9 get through not only Salt River, which was the
10 interconnecting utility, but we had to get that
11 additional confirmation from WAPA they had signed off on
12 the interconnection and the plan installation of that
13 project.

14 MEMBER LITTLE: Yeah, I understand that. That's
15 still only very localized area of the transmission
16 system, though. Okay. My concern is general. It's not
17 specific to this project at this point in time.

18 However, I do think that it is important that
19 the Staff of the ACC said that -- pointed out that it
20 would not adversely impact AEPCO's transmission system.

21 Thank you.

22 MEMBER HAMWAY: Mr. Chairman.

23 CHMN STAFFORD: Member Hamway.

24 MEMBER HAMWAY: Would it be appropriate for the
25 Commission to execute a statement that looked broader

1 than just the co-op's system? I mean, we have -- I agree
2 with Member Little.

3 I mean, these come so early that we really don't
4 have the data and the details that we need to issue a CEC
5 and say that we've heard testimony that it's not going to
6 affect the grid. We haven't heard that.

7 CHMN STAFFORD: Outside like the biannual
8 transmission assessment, I think was mentioned that that
9 was performed last year, so this would not be a part of
10 that? Is that what the concern was?

11 MEMBER LITTLE: It's not a part of that. It's
12 also not a part of the work that SWAT has done in looking
13 at the system. It's not a part of the work that West
14 Connect has done, nor is it a part of what WECC has done.
15 Which are all regional to increasingly sized regions'
16 studies of the systems.

17 And as Member Hamway pointed out, they're coming
18 out so fast and furiously that they're -- these studies
19 take a lot of time and money to perform. And they can't
20 be done just at the drop of a hat.

21 So as the systems -- when they're coming so
22 quickly there isn't time to perform those systems, which
23 is a little concerning to me.

24 MR. ACKEN: Can I just take a moment to just --
25 I understand, Member --

1 CHMN STAFFORD: Mr. Acken, yes.

2 MR. ACKEN: -- Member Little's concern. I just
3 want to make sure that the record is clear on the status
4 of the prior ten-year plan submittal as well as that BTA
5 docket. And make sure that the facts are clear in this
6 record.

7 BY MR. ACKEN:

8 Q. Mr. Ellis, the application stated that the
9 ten-year plan for this project was submitted on June 3,
10 2022. Is that your understanding?

11 A. (Mr. Ellis) Yes, it is.

12 Q. And is it your understanding that ACC Staff is
13 still working on the biannual transmission assessment for
14 that cycle in that docket, the 2022 through 2031 docket?

15 A. (Mr. Ellis) That's also my understanding, yes.

16 MR. ACKEN: Okay. Thank you. So nothing
17 further at this time on that.

18 CHMN STAFFORD: All right. You may proceed,
19 then.

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

21 BY MR. ACKEN:

22 Q. At this time I believe we are ready to present
23 the virtual tour. So Mr. Ellis, I'll hand it over to you
24 and give the AV team the opportunity here to get it
25 loaded.

1 A. (Mr. Ellis) Okay. So we have, I think, a
2 placeholder and while that's being brought up for -- this
3 is going to be a two-minute tour. It's not a terribly
4 long tour because the facilities themselves are not very
5 significant in relation to some of the other transmission
6 lines that this body would consider.

7 We're going to start this tour. The first 30
8 seconds or so are going to be aerial imagery, and in the
9 aerial imagery that you're going to see, you'll see some
10 dots on the map that will feature some of the observation
11 points where we've taken photographs and done visual
12 simulation that Mr. Lindenlaub will be presenting on.

13 But as we take a look at this virtual tour,
14 you'll see an aerial image again, again, and just,
15 there'll be a pink line which will show what the
16 facilities are that we're proposing. There's a blue
17 transmission line that shows the AEPCO transmission
18 system. And with that we can get started.

19 So here's the aerial image. And, again, the
20 pink line, we're just below and off to the right of the
21 playa. The pink line is our facility. The blue line is
22 the AEPCO transmission system.

23 And it's just a really, really, really remote
24 area. We're at the end of a county road. There's
25 virtually no population centers or much going on out here

1 at all. And, again, those white dots that you see are
2 various photographs.

3 We start after here at the project substation,
4 we're at the southern part of the line. And we travel
5 north. You see the H-frame structures that as we go to
6 the north across the open kind of grassland, mesquites
7 that are in this area, just directly north we come up and
8 we tie into the AEPCO transmission system.

9 This is the project switchyard. Very similar to
10 the project substation. AEPCO is going to own and
11 operate this facility.

12 We're going to rotate around now the project
13 switchyard. Get a little bit of a view to the south of
14 the open landscape where we are. You can see now the
15 playa off to the west, some of the features of the playa
16 off to the west.

17 Same H-frame transmission structures as we move
18 back down to the location of the project substation.
19 There's a little cattle watering tank out here in the
20 geographic features. And then we get back to the 34.5 to
21 230 kV project substation, which completes the virtual
22 tour.

23 CHMN STAFFORD: Where's the solar array going to
24 be relative to that on the map?

25 MR. ELLIS: So I've got a good map on that

1 coming up. But it's going to be at the southern -- it's
2 going to be directly south on 1900 acres of property that
3 we currently own.

4 CHMN STAFFORD: Thank you.

5 BY MR. ACKEN:

6 Q. Thank you, Mr. Ellis. We are next going to
7 shift to the discussion of public outreach.

8 Ms. Sawchuk, let's start with you. I'd like you
9 to provide the Committee with an overview of
10 BrightNight's philosophy with respect to public outreach
11 and the public involvement activities you undertook for
12 this project.

13 MEMBER GRINNELL: Mr. Acken, I apologize.
14 Mr. Chairman --

15 CHMN STAFFORD: Mr. Grinnell, yes.

16 MEMBER GRINNELL: I'm trying to figure out, I'm
17 looking at the map we have and the pamphlets we have.
18 Where is the actual gen-tie going to occur? On the
19 virtual tour, I was a little bit confused about where are
20 we hooking up, from what to what? And I didn't see that
21 on the actual virtue tour.

22 MR. ELLIS: Committee Member Grinnell, are you
23 able to see the -- we're projecting two slides currently.
24 And --

25 MEMBER GRINNELL: Both of those maps --

1 MR. ELLIS: One of them is a map. And so down
2 in the southern part of the corridor, the project
3 substation, there are one of two locations where we would
4 install that project substation.

5 One would be in that 600-foot by 600-foot parcel
6 that you see that's in the very southwest portion of the
7 map. And then the other potential location would be
8 really just catty-corner to it.

9 The reason we have two locations is one of these
10 pieces of real estate we currently own and the other
11 we're finalizing the land negotiation which should be
12 concluded soon.

13 So the project substation starts at the very
14 southern portion, and then we, to answer your question,
15 that's where we get started. So the solar facility's
16 going to tie in down here. And then from there, and if
17 you think back to the virtual tours that's where we
18 started, that project substation that you started is --
19 is in this location.

20 We then run due north, those were the H-frame
21 structures where we run basically a little over a mile
22 due north, then we tie into the AEPCO transmission system
23 shown here in black on this drawing.

24 And that's where the project switchyard would
25 go, and that's noted. So that the gen-tie corridor

1 connects the project substation in that switchyard and
2 it's one mile in length.

3 Does that answer your question?

4 MEMBER GRINNELL: Well, but you also discussed
5 expanding the corridor. I'm looking at the blue area on
6 your map. How far, isn't that east, is that going to
7 move to expand your corridor?

8 MR. ELLIS: So if you're talking -- are you
9 talking about the blue portion of the map up here to the
10 north that's indicated AEPCO property?

11 MEMBER GRINNELL: Yes.

12 MR. ELLIS: Yeah, so we would not be expanding
13 the corridor in here at all. We would simply be building
14 our projects. Within that blue boundary we would be
15 building our project switch yard, you know, anywhere
16 along that, really along the transmission line there.

17 We are close to finalizing that location with
18 AEPCO. Because the location isn't finally selected, we
19 wanted to give ourselves a little bit of flexibility to
20 do that.

21 But with respect to the proposed changes that
22 Mr. Acken referred to at the onset, we will be covering
23 the changes to the corridor in a little bit. But this
24 original corridor that you see here in green is the
25 original proposed corridor. Am I answering your

1 question? I hope I'm getting to it.

2 MEMBER GRINNELL: No, I think you can. I'm just
3 trying to figure out when the gen-tie was actually going
4 to -- and I got a better understanding where your solar
5 field is going to be. I guess you're going from one, it
6 looks like you're going from the solar field to the first
7 substation, the first substation to the second
8 substation. Is that correct?

9 MR. ELLIS: You have it correct.

10 MEMBER GRINNELL: Okay.

11 MR. ELLIS: And then we're going to get to a
12 chart in the presentation that's going to show some red
13 land and some yellow land. And please remind when we're
14 at that chart to come back to your question, because I
15 really do want to make sure that this -- this is fully
16 clear for not only you but the other Committee members.

17 MEMBER GRINNELL: Very well. Thank you.

18 MR. ACKEN: Would it be helpful to show the
19 virtual tour? It's so short. With that map on the right
20 and you can kind of orient the corridor where the gen-tie
21 will be using the map while the tour shows.

22 MR. ELLIS: You're talking about -- I just want
23 to -- I'm going to zip ahead here. You're talking about
24 the map with the red land and the --

25 MR. ACKEN: The actual virtual tour and then the

1 map you just had.

2 MR. ELLIS: Are you talking about this map here?

3 MR. ACKEN: One back.

4 MR. ELLIS: No? Okay.

5 MR. ACKEN: One back.

6 MR. ELLIS: You mean this one here, Bert?

7 MR. ACKEN: Yeah. Let me ask, Member Grinnell,
8 would that be helpful to see that that way?

9 MEMBER GRINNELL: I got it now.

10 MR. ACKEN: Okay. Okay.

11 MEMBER GRINNELL: I was able to figure out the
12 virtue with the actual map that we received, in the book
13 we received. Thank you.

14 MR. ACKEN: All right. Thank you.

15 MR. ELLIS: Really appreciate the question. And
16 we're going to come back to it again. Just let us know
17 if it's not fully clear as we get through this. Over to
18 you, Ms. Sawchuk.

19 MR. ACKEN: We'll take a few shots. We'll take
20 as many shots as we need. Welcome, Member Gentles.

21 MEMBER GENTLES: Good to be here.

22 CHMN STAFFORD: Thank you, Member Gentles.

23 MR. ACKEN: Okay. Thank you for that. And as I
24 said, you know, we don't want this to be confusing. It's
25 always one of those things when you're putting together

1 your presentation you think that you're doing it in a way
2 that won't be in -- we do have some additional maps, and
3 we'll do our best to get it as clear as possible and take
4 the time to do so.

5 We do want to turn right now to public outreach,
6 and Ms. Sawchuk, as I mentioned I'd like you to describe
7 your philosophy as well as provide an overview of the
8 public outreach activities you conducted for that
9 project.

10 MS. SAWCHUK: Certainly. So as I mentioned in
11 my introductory testimony, and I've spent my entire
12 career working on communicating the benefits of power,
13 including renewable power.

14 BrightLight is really exceptional in that
15 capacity in that, you know, again, we're not just
16 thinking about the success of an individual project.

17 We're working to further support broader
18 adoption of renewable power, address concerns and
19 establish, really, a -- raise the bar for what it means
20 to thoughtfully engage a community and genuinely collect
21 that feedback and have it inform our work.

22 And that doesn't happen by accident. It happens
23 through a thoughtful process that begins extremely early.
24 It begins at land acquisition and it continues through
25 the life of the project, through operations and

1 maintenance.

2 So on the left here you see our sort of
3 strategic approach, that includes an assessment of our
4 community. We use content and events and other outreach
5 methods to facilitate the collection of feedback and
6 demonstrate that we apply that feedback.

7 And then we educate and build an engaged
8 stakeholder group. And certainly now with our third
9 project in Arizona, we're very appreciative to the very
10 engaged public process that we've executed across the
11 state.

12 On the right side of the screen here you see a
13 long list of things that we can select from depending on
14 what the unique needs of the community might be. And so
15 on the right side of the screen, or on the right monitor,
16 rather, are the specific items that we chose for the
17 Three Sisters Project.

18 So if you're wondering what the difference
19 between my role is and the WestLand team, is that there's
20 really a two-pronged approach to project communications.

21 There's the broader community engagement and
22 education campaign, and then there's a very local level,
23 and so recognizing that the unique needs of the local
24 level are best suited by a local resource, I work in
25 collaboration with WestLand to execute some of the local

1 components of that public education campaign.

2 So I'll turn it over to Brian for the details on
3 that, and then I will close out the community engagement
4 testimony with details on the broader outreach that we
5 executed.

6 MEMBER HAMWAY: Mr. Chairman, may I ask a
7 question?

8 CHMN STAFFORD: Yes, Member Hamway.

9 MEMBER HAMWAY: So when we were in Yuma you gave
10 us this wonderful presentation about all the community
11 outreach you've done for the solar plant and the hydrogen
12 plant.

13 So when we're talking about this, this community
14 outreach, is this also including the solar plant? Or are
15 you just doing the community outreach just based on the
16 transmission line?

17 Have you done -- I know it's not part of your
18 purview --

19 MS. SAWCHUK: No.

20 MEMBER HAMWAY: -- I'm just asking as a
21 concerned citizen, do you do the same outreach for a
22 solar plant?

23 MS. SAWCHUK: It's an excellent question, and
24 it's one that we talk about internally. I think we take
25 a very practical approach at my urging.

1 Just talking about the infrastructure of a
2 transmission line doesn't make sense from a public
3 perspective. It's part of a larger story. And so
4 certainly we are very clear about what the purpose of
5 this particular permit is for.

6 But we also understand that just as we saw in
7 Yuma where people are interested in the hydrogen
8 implication, even though that wasn't technically part of
9 that permit, we need to tell the whole story so that
10 people can make an informed decision.

11 This isn't just a transmission line, it's a
12 transmission line to facilitate clean, renewable power.

13 And so when I work on the messaging, I make sure
14 to include that information as well.

15 MEMBER HAMWAY: Okay. Thank you.

16 MR. LINDENLAUB: Okay. Thank you, Maribeth.

17 Given the nature of the project, we identified a
18 two-mile area to focus on to develop our mailing list,
19 which resulted in 52 addresses. That includes both
20 residents and landowners. And the mailing list also
21 included 35 agencies and other key stakeholders.

22 For local media we identified two local
23 newspapers, the Herald Review and the Arizona Daily Star
24 out of Tucson. And of course we're all now familiar with
25 the local venue for the open house and today's hearing.

1 For the newsletter mailing we provided both a
2 project description and associated map along with the
3 invitation to the open house. That mailing went out to
4 the mailing list recipients on November 18. However,
5 there was a mislabel on one of the roads, and so we
6 reissued the newsletter on November 23.

7 In addition, we ran an advertisement in the
8 Herald Review.

9 The open house was held in this same community
10 center on December 7. It included approximately 20
11 poster boards along with representatives from both
12 BrightNight and WestLand.

13 As you can see on the right, five people signed
14 in to the open house, and there were a couple of other
15 attendees from Cochise County.

16 Questions and comments dealt mostly with
17 specifics related to the project and no opposition to the
18 project was voiced.

19 And that brings us to the notice of this hearing
20 that was published in both the Daily Star and the Willcox
21 Herald. In addition, the notice was posted on two signs
22 along the Kansas Settlement Road east of the project.

23 Similarly the notice of hearing was mailed out
24 to the 52 addresses and 35 key stakeholders, and the CEC
25 application was kept in the local library for public

1 review.

2 In addition --

3 MEMBER LITTLE: Mr. Chairman?

4 CHMN STAFFORD: Yes, Member Little.

5 MEMBER LITTLE: I'm sorry to interrupt you. I
6 thought you had paused. I tried to get onto that
7 website, and I can't. There's no such place. I'm just
8 curious about that as a representative of the public I
9 always like to go to the websites and look and see what
10 the public has access to if they choose to do that.

11 MR. ELLIS: Chair, or Member Little, I was on
12 the website just this morning, and so if you type in
13 Three Sisters Solar Project website in Google, would you
14 mind doing that really quickly? It should take you right
15 to the website.

16 MEMBER LITTLE: That's interesting. It does.
17 Well, takes me to BrightNight. Okay. Yes, when I typed
18 in the brightnightpower.com/threesisters, it didn't come
19 up. That's interesting. Okay. Thank you. Technology.

20 MR. LINDENLAUB: It's none of our friends.
21 Thank you, Member Little.

22 So in addition to the website, we also had a
23 project e-mail, a dedicated project e-mail that was
24 covered. The website was frequently updated as new
25 information was understood. The information was also

1 provided in Spanish.

2 From all of this public outreach or rather from
3 the dedicated project e-mail, Mr. Ellis received a single
4 e-mail directed to him asking project specific questions
5 and questions about availability of this power for local
6 providers.

7 MR. ACKEN: Thank you, Mr. Lindenlaub. And
8 Member Little, thank you for making sure my heart was
9 working there.

10 MR. PALMER: I will add I just typed in the
11 address that was on the screen and it did come up, so I
12 don't know what was going on.

13 MR. ACKEN: Thank you. Okay.

14 BY MR. ACKEN:

15 Q. Ms. Sawchuk, I'd like you to discuss the social
16 media outreach for this project.

17 A. (Ms. Sawchuck) Thank you. So like the -- in
18 the cases of our previous two projects, we again also
19 utilized social media as a platform to notify our
20 audience.

21 I mentioned at the beginning of this segment
22 that part of the process of community engagement is
23 understanding your audience. In Cochise County we know
24 that 25 percent of our audience is Spanish speaking, so
25 the notices that you saw a moment ago were all translated

1 into Spanish to ensure that we were comprehensive in our
2 outreach.

3 Of the 126,000 residents we can assume just by
4 best practice that 72 percent of those adults use one
5 form of social media platform. And so the platforms
6 noted in the second icon there were the ones where we
7 provided a paid advertising campaign, it's a geo-targeted
8 campaign, so I dictate where exactly those advertisements
9 appear. And we utilized a budget of \$10,000 to ensure
10 that our audience saw the material at least once.

11 And on the right monitor you can see some
12 examples of those advertisements and some of the
13 engagement which I personally monitor closely.

14 Part of why I like the platform is because it
15 really gives us a very clear process to observe. A
16 number of the members have heard my testimony on this
17 topic before, but the advertisements we know appeared
18 more than 64,000 times across those social media users in
19 the region that we targeted between January 9 and
20 February 17.

21 We did see strong engagement across all of those
22 platforms, with folks asking questions and clarification,
23 and folks who had seen the web page and were directing
24 other community members to the web page. So I was very
25 pleased to see that occurring.

1 But I mentioned earlier about this sort of
2 process that we can observe, and the process that I'm
3 referencing is one that we see that it appeared in front
4 of 64,000 some odd people.

5 We had 62 instances of engagement and 548 clicks
6 on those ads. What I like to see, then, is to go to the
7 back end of our website which you can see what I look at
8 here on the right-hand side of screen.

9 I want to see at least the same number of people
10 visiting the project web page, and that did happen with
11 590 folks visiting the web page. So more than the number
12 of clicks, and we did receive one e-mail inquiry, which
13 was directed to Mr. Ellis and it was regarding where the
14 power is being used, which we immediately responded to.

15 So in all, this platform was very effective.
16 And we were pleased at the outcome.

17 MEMBER HAMWAY: So, I'm sorry, Mr. Chairman, so
18 you had a request for where the power is going to be
19 used?

20 MS. SAWCHUK: We had an inquiry about, yes, how
21 the power was going to be used.

22 MEMBER HAMWAY: So do we know that? Did you
23 tell us that?

24 MR. ELLIS: We've not mentioned it yet, but the
25 question was would the power be sold and would it be

1 available to a local utility, specifically Sulfur Springs
2 Valley Electric Cooperative.

3 And I'll share with you the same as my response
4 is that from a power marketing perspective, typically
5 these projects take years to develop and that's something
6 that we're still working on, and the intention as to sell
7 it certainly locally and with the state of Arizona.

8 MEMBER HAMWAY: Thank you.

9 MR. ELLIS: You bet.

10 MR. ACKEN: Thank you, Ms. Sawchuk. We're going
11 to shift now to the environmental studies. And for this,
12 Mr. Lindenlaub will be presenting testimony.

13 If you would, provide an overview of the
14 resource analyses you conducted in support of the
15 application.

16 MR. LINDENLAUB: Certainly. As captured in
17 state statute, the list, I'm sure at this point we're all
18 quite familiar with, provides the list of studies that
19 we're looking for.

20 That is existing public and private plans, fish,
21 wildlife and plant life, and beyond that areas of
22 particular biological wealth or species of concern, noise
23 emission and interference levels, availability to the
24 public for recreation associated with the project. And
25 then existing scenic areas and cultural resources.

1 That list in the statute begat the list of
2 exhibits required that is captured in code, that being
3 the land use maps, the environmental studies of
4 Exhibit B, again, the areas of biological wealth and
5 broader biological resources.

6 Exhibit E, capturing both scenic areas as well
7 as key cultural resources. Exhibit F, reevaluation
8 opportunities. Exhibit G, concept of the proposed
9 facilities, which Mr. Ellis has already presented.

10 Exhibit H, conformance to existing plans.
11 Exhibit I, noise, radio, and television interference and
12 the potential thereof.

13 BY MR. ACKEN:

14 Q. Let's start out with your evaluation in land use
15 in Exhibit A and existing plans, Exhibit H.

16 A. (Mr. Lindenlaub) Yeah, the project areas is
17 currently zoned by the county as rural. Under that
18 zoning, our project, the solar project would be
19 considered an industrial project and would require a
20 special use permit.

21 With regard to the Cochise County Comprehensive
22 Plan dated 2015, utility scale solar and renewable power
23 is contemplated. And the area is mapped in just such an
24 area.

25 With regard to non-public interests and plans,

1 of course the applicant BrightNight has been working
2 closely with AEPCO, one of the nearest entities. And
3 then there's a project to the southwest, a potato
4 processing facility that has recently put in for an
5 expansion, and this project would not have an effect on
6 that plan.

7 MEMBER HAMWAY: Mr. Chairman.

8 CHMN STAFFORD: Member Hamway.

9 MEMBER HAMWAY: So the zoning has not occurred?
10 From rural to industrial?

11 MR. LINDENLAUB: No. Correct. So captured
12 under this zoning, the rural zoning, the project requires
13 a special use permit from the county.

14 MR. ELLIS: Yeah, and I can add a -- oh, pardon
15 me.

16 MEMBER HAMWAY: Right. And that has not
17 happened?

18 MR. LINDENLAUB: That's correct.

19 CHMN STAFFORD: Has it been applied for?

20 MR. ELLIS: No, we -- the plan would be to apply
21 for that special use permit later this year.

22 CHMN STAFFORD: After the issuance of a CEC you
23 would apply for the special use permit. Is that what the
24 plan would be?

25 MR. ELLIS: That's correct.

1 CHMN STAFFORD: Thank you.

2 MR. ELLIS: And one of the other items I want to
3 mention for Committee Member Hamway is solar is an
4 approved use within the rural designation. That's what
5 our calls with the county planning staff have revealed,
6 but it's to Mr. Lindenlaub's point, there is still a
7 special use permit which is required.

8 MEMBER HAMWAY: Usually those are done before
9 you come here.

10 MR. ACKEN: I don't think that was a question
11 directed to me, but if I could respond to that.

12 MEMBER HAMWAY: Well, it's a statement.

13 MR. ACKEN: I'm sorry?

14 MEMBER HAMWAY: It's just an assertive
15 statement.

16 MR. ACKEN: Okay. Thank you.

17 Let's talk about the analysis of biological
18 resources and areas of biological wealth under Exhibits C
19 and D.

20 MR. LINDENLAUB: Yes. As you were able to see
21 as you drove in on I-10, the project is mapped as
22 semi-desert grassland, dominated by these grasslands,
23 with the occasional shrubs and tree species.

24 The Willcox Playa is also identified by the
25 Audubon Society as an important bird area. The Arizona

1 Game and Fish department has identified a wildlife
2 connectivity zone through and near the project.

3 The impacts to the habitat will be both short
4 and long-term associated with the construction of the
5 facilities. The long-term impacts will be restricted to
6 approximately 12 acres in size, which overall is
7 relatively minor in comparison to the available habitat.

8 In reviewing areas of particular biological
9 wealth, we identified only one species associated with
10 the Endangered Species Act, that being the Monarch
11 Butterfly, having even remote potential to occur within
12 the project area.

13 We indicated that the butterfly was unlikely to
14 occur given the lack of foragery sources, and again the
15 Monarch Butterfly is at this point only a candidate
16 species.

17 In evaluating another database available from
18 the Arizona Game and Fish Department, we noted that there
19 was an identification of a Chiricahua Leopard Frog within
20 three miles of the area.

21 Digging more deeply into the resources we
22 discovered that that was a pre-1995 identification, and
23 that the agencies, Game and Fish and Fish and Wildlife
24 Service, understand that that species is currently
25 extirpated from the Sulfur Springs Valley.

1 As noted, there's an important bird area which
2 provides habitat for a variety of bird species, most
3 notably the Sandhill Cranes, which you may have seen and
4 heard as you came in today.

5 And the BrightNight team has engaged with the
6 Arizona Game and Fish Department, two of the five signees
7 for the open house were from the Arizona Game and Fish
8 Department.

9 We facilitated a follow-up conversation with the
10 Game and Fish. Game and Fish expressed great
11 appreciation for the opportunity to discuss the project
12 with the applicant and had a very positive response to
13 the standard mitigation measures that were brought
14 forward.

15 MEMBER LITTLE: Mr. Chairman?

16 CHMN STAFFORD: Yes, Member Little.

17 MEMBER LITTLE: I have a question about that. I
18 guess the letter that I have been looking at here was the
19 letter from the Arizona Game and Fish Department that is
20 in Exhibit J.

21 They have all kinds of recommendations here.
22 More recommendations than I've ever seen in one of these
23 letters. And, to me, it reads like they have some
24 concerns there that perhaps have not been addressed. Has
25 there been any conversation with them subsequent to that

1 letter which is dated January 6?

2 MR. LINDENLAUB: Yes, Member Little, the meeting
3 that we had with the Arizona Game and Fish Department was
4 subsequent to that letter. A number of elements of that
5 letter were discussed in that meeting, and we currently
6 have a follow-up meeting scheduled with Game and Fish as
7 well.

8 MEMBER LITTLE: Okay. Thank you.

9 MR. LINDENLAUB: Sure.

10 BY MR. ACKEN:

11 Q. And how would you characterize those discussions
12 with Game and Fish?

13 A. (Mr. Lindenlaub) The conversations were
14 extremely positive. Game and Fish was very appreciative
15 of the opportunity to discuss the project with the
16 applicant. As I indicated, the applicant wanted to
17 discuss a number of mitigation measures with the Game and
18 Fish department that they were very positive in
19 responding to.

20 Q. Okay. Thank you. Next talk about your analysis
21 of noise and communication in Exhibit I and recreation in
22 Exhibit F.

23 A. (Mr. Lindenlaub) Certainly. As noted by
24 Mr. Ellis, the project location is relatively remote and
25 as such we didn't identify any sensitive noise receptors.

1 And so we do not -- even with the middling
2 amount of noise generated by the project, we don't expect
3 it to cause any effect given the lack of sensitive
4 receptors.

5 In looking into potentials for interference, one
6 of our primary considerations was as it related to Fort
7 Huachuca's Buffalo Soldier electronic test range. In
8 communications with representatives of Fort Huachuca,
9 they indicated that they had no concern with the project.

10 So recreation associated with the playa, as we
11 indicated previously, is largely related to the bird
12 populations. There is a public observation platform to
13 the west of our project, near the Apache generating
14 station, and it's coordinated between Game and Fish
15 Department and AEPCO.

16 And then there's a Game and Fish wildlife
17 habitat area to the northeast of the playa that's used
18 for hunting and fishing and, again, observation of the
19 bird community.

20 Our assessment indicated that given the nature
21 of the project and given the distance from these
22 recreational opportunities, the project would have no
23 effect on recreational opportunities in the area.

24 MEMBER GRINNELL: Mr. Chairman?

25 CHMN STAFFORD: Yes, Member Grinnell.

1 MEMBER GRINNELL: Since most of this project is
2 on private land, the public's not going to have access to
3 your private land anyway, are they?

4 MR. LINDENLAUB: That's correct.

5 MEMBER GRINNELL: So you say it has no impact on
6 recreation and other things. Are you talking about
7 recreation in the surrounding area? Or are you including
8 that on your own land as well?

9 MR. LINDENLAUB: That's an excellent point,
10 Member Grinnell. So what I was getting to in the
11 previous conversation was that given the recreational
12 opportunities afforded by the playa, we don't expect our
13 project to have any effect on those.

14 As an example, on the right-hand side we show
15 the view from the observation platform managed by AEPCO,
16 and the little to negligible effect of the project in
17 that area.

18 Now, with regard to the project area itself,
19 that's correct. The substation and the gen-tie -- or
20 excuse me -- the substation and the switchyard area will
21 be fenced, and there will be no public opportunity for
22 recreation there. And the corridor's on private land as
23 well, as you note.

24 CHMN STAFFORD: But they can't -- the public
25 can't pursue recreation there now currently anyway, can

1 they?

2 MR. LINDENLAUB: That's correct, Mr. Chairman.

3 CHMN STAFFORD: So that nothing would change by
4 the fact of the building of structures.

5 MR. LINDENLAUB: Correct.

6 CHMN STAFFORD: All right. Thank you.

7 MR. LINDENLAUB: That's correct.

8 So as we talk about the visual resources and the
9 scenic areas, the scenic value of the area is largely
10 tied to the opportunities we discussed before. That
11 being the bird watching and the wildlife viewing.

12 This map on the right you'll note, you'll see is
13 familiar from the beginning of the visual tour or the
14 virtual tour, rather, indicates the area of our key
15 observation points. And you can see around this area
16 just how little development there is. And again, the
17 viewing platform's over here. The Game and Fish wildlife
18 area is over there.

19 So, again, not anticipating -- given the nature
20 of the project and the nature of the surrounding land
21 uses, we're not anticipating any changes to the scenic
22 viewing area.

23 Here you can see a couple more of the key
24 observation points. This is observation point 5 nearest
25 to the project and, again, the visual effect is minor

1 even that close to the project.

2 And here we have the Arizona Game and Fish area
3 up to the northeast. The project is not visible from
4 that location.

5 With regard to cultural resources, WestLand
6 archeologists did a records search, class 1 record search
7 of the project area.

8 We identified four historic properties, none of
9 which were listed on the national or state registers.
10 Two of the -- two of the sites cross the project area,
11 and the anticipation is that both are going to be able to
12 be avoided by the project.

13 So given the above, again, given the nature of
14 the project, given the nature of the surrounding land
15 uses and our evaluation of the resources to be
16 considered, we believe this project to be environmentally
17 compatible.

18 CHMN STAFFORD: Quick question. What measures
19 are you taking to mitigate the impact on avian life for
20 the project?

21 MR. LINDENLAUB: So as noted by Member Little,
22 the Arizona Game and Fish Department brought forth a
23 number of ideas and concerns that they had.

24 One of the ones is related to ground nesting
25 birds such as the Western Burrowing Owl. And so one of

1 the things that BrightNight is -- mitigation concept that
2 they've brought forward to Game and Fish is to do
3 preconstruction clearance surveys for any nesting birds
4 or anything like that.

5 The other opportunity that the BrightNight team
6 has looked into that we have supported them on is related
7 to potential line strikes by larger birds such as the
8 Sandhill Crane or the White-faced Ibis. There's some
9 really interesting exciting research coming out of the
10 Midwest where a lot of these studies on the larger birds
11 have been done.

12 And what they find is where these line strikes
13 happen is in low visibility periods, dawn, dusk, night,
14 if they're flushed at nighttime.

15 And so these birds, particularly young birds,
16 don't see the line and have the potential to strike and
17 get injured or killed. And so the technology that's
18 being brought forward is ultraviolet light along the
19 conductor that lights it up for these low light
20 conditions.

21 And in the study that we looked at in the
22 Midwest they identified a 98 percent reduction in line
23 strikes with that mitigation.

24 CHMN STAFFORD: Now, will you be deploying this
25 technology on this line?

1 MR. ELLIS: We will.

2 CHMN STAFFORD: You will.

3 MR. ELLIS: We will.

4 CHMN STAFFORD: Thank you.

5 MR. ELLIS: You bet.

6 MEMBER FRENCH: Mr. Chairman.

7 CHMN STAFFORD: Yes, please.

8 MEMBER FRENCH: Along that same note, the
9 Arizona Game and Fish Department mentioned that
10 artificial lighting could impair the ability of nocturnal
11 animals. Will this lighting that you're proposing be
12 added have any effect on nocturnal animals?

13 MR. LINDENLAUB: It's an interesting question
14 and certainly something that we'll continue to pull the
15 thread on as we look at this. We're thinking of bat
16 species in particular and other potential nocturnal
17 animals. But it's something we'll continue to look into.

18 MEMBER HAMWAY: Mr. Chairman. So are --

19 CHMN STAFFORD: Yes, Member Hamway.

20 MEMBER HAMWAY: -- in operation? I mean, do
21 they light up at night? I guess what I'm trying to
22 figure out what they look like. I'm not a bird. Do they
23 look different to a bird than they do to me?

24 MR. LINDENLAUB: They do. They're invisible to
25 the human eye.

1 MEMBER HAMWAY: Okay.

2 MR. LINDENLAUB: And so they'll show up as what
3 looks to us like a violet color. Now, how it actually
4 gets processed in the avian brain I can't speak to, but
5 they are able to view it.

6 MEMBER HAMWAY: Okay. Interesting.

7 MEMBER LITTLE: Mr. Chairman.

8 CHMN STAFFORD: Yes, Member Little.

9 MEMBER LITTLE: I also would like to go on the
10 record that Fish and Game also mentioned the fact that
11 there are studies that show that birds think that the
12 solar panels themselves are water sources and that there
13 are issues there. And I know that is not our purview,
14 but it was noted by them so I thought I'd mention that.

15 CHMN STAFFORD: Thank you, Member Little.

16 BY MR. ACKEN:

17 Q. Mr. Lindenlaub, I'd like you to address that at
18 a high level, understanding that it is outside the
19 jurisdiction, but there are questions about it.

20 A. (Mr. Lindenlaub) Yeah, there are certainly
21 opportunities in that regard. In doing the research on
22 that phenomenon, what we're finding is that it's unclear,
23 it's murky.

24 And so part of what we're going to be having the
25 continuing conversation with the Arizona Game and Fish

1 Department are is on facilities related to the solar
2 field itself.

3 Q. And so those will be ongoing discussions that
4 you will be having with Game and Fish as the project
5 continues?

6 A. (Mr. Lindenlaub) That's correct.

7 Q. And you've committed to that in your discussions
8 with Game and Fish?

9 A. (Mr. Lindenlaub) That's correct. The next
10 meeting is already calendarized.

11 Q. Okay. Thank you. Next I want to talk about the
12 project changes. I mentioned in the opening, it came up
13 a little bit during your testimony, Mr. Ellis. We
14 deferred the discussion. Now's the time to have that
15 discussion.

16 So I'd like you to explain why you are
17 requesting these project changes. So what are the
18 updates and what prompted them?

19 A. (Mr. Ellis) Yeah, so I've got some charts on
20 that, but just at the macro level, there's really been a
21 surge of interest from large technology, and actually
22 some of the oil and gas majors in green hydrogen
23 manufacturing. As we in this nation seek cleaner sources
24 of energy, there's just been a really marked uptick in
25 interest in Arizona.

1 So in parallel with and in following our Yuma
2 CEC hearing which of course we were before you last
3 month, where we featured collocation hydrogen
4 manufacturing, we've received requests from other parties
5 about other projects that we're working on in Arizona.
6 And whether or not a similar opportunity could be
7 afforded there.

8 We realized that the Three Sisters, we did --
9 the Three Sisters Project before you today could be an
10 excellent opportunity for these potential customers and
11 for Cochise County and for the investment and the jobs
12 that it could bring. And so that's really what's
13 behind -- behind the update.

14 And so this chart essentially summarizes the
15 driver for that. So the changes -- the project overall,
16 the infrastructure facilities are going to be the same
17 but for a few changes which we'll be covering.

18 Those changes will include a small 230 kV behind
19 the meter service line to serve, you know, a potential
20 future hydrogen plant.

21 And I'll move on to the next slide. Again, the
22 actual transmission line would remain unchanged. So if
23 you see off here to the left, this is the original
24 corridor over here and the project substation, again,
25 being located in one of two locations down here.

1 We are seeking to expand the footprint really of
2 the area around the project substation to include a
3 transmission line that would run laterally to service
4 some project substations and the hydrogen facility. And
5 this will be on land that we either currently own or will
6 own in the future, and then I've got a schematic to show
7 what that infrastructure looks like in the next chart.

8 CHMN STAFFORD: So real quick, back to -- back
9 to that.

10 MR. ELLIS: Yes, of course.

11 CHMN STAFFORD: All right. There's the
12 difference in the area, so for the switch yard, the
13 original footprint was 1500 square feet and you're
14 expanding it to 3,000 square feet?

15 MR. ELLIS: Yeah, we had given ourselves a
16 pretty big area to locate the original project substation
17 down here, Chairman Stafford. That original footprint
18 was 1500 feet square, now it's 1500 foot by 3,000.

19 And in the lower left-hand corner was a smaller
20 area, there were just some features we were still trying
21 to navigate over here, and this is a 600-foot square, and
22 then that would be expanded to that same 1500 foot by
23 3,000 foot area for that infrastructure, Chairman
24 Stafford.

25 CHMN STAFFORD: Oh, so it's 3,000 by 1500?

1 MR. ELLIS: Correct. Is what we refer to as the
2 facility siting area.

3 CHMN STAFFORD: And that's that area to the
4 south of the substation would be?

5 MR. ELLIS: To the south of the -- yeah,
6 correct. Down here it would be, this would be 1500-foot
7 by -- it would only be one of those two. It would be
8 1500 feet by 3,000 foot footprint within which those
9 facilities could be installed, or over here, for this
10 additional land that we're currently in negotiations for.

11 CHMN STAFFORD: Okay. And then for the
12 switchyard, what was the change for the switchyard?

13 MR. ELLIS: So the private switchyard is up here
14 to the north. That's where we tie into the grid.
15 There's zero change there. I've got a chart summarizing
16 everything that stays the same and everything that
17 changes.

18 But the switchyard is up here, that stays the
19 same, the gen-tie corridor. And the transmission line is
20 going to stay the same. The project substation down here
21 is going to stay the same.

22 And there's an additional transmission line that
23 comes off that project substation with some additional
24 substations to serve the potential hydrogen facility.
25 And we've got a schematic for what that looks like.

1 CHMN STAFFORD: All right. And then so looking
2 at the two, the differences there, BrightNight has
3 acquired all the land on the left, in the slide to the
4 left; correct?

5 MR. ELLIS: This next chart may feature it
6 really well here. So we own all of this land here
7 currently already, shown in red. It's over 1900 acres.
8 And we're currently in negotiations to purchase this
9 additional land up here in yellow.

10 And so the expansion of the facility footprint
11 would be either -- it would be all entirely on land that
12 we currently own or are going to own.

13 CHMN STAFFORD: All right. My question then is
14 the yellow spot that you're acquiring --

15 MR. ELLIS: Yep.

16 CHMN STAFFORD: -- to the right, the spot you're
17 not acquiring, that's to the right of that, keep going,
18 keep going. There.

19 Is that the same owner that you're purchasing
20 that from, or is it a different owner? What I'm trying
21 to get to is that under what -- the land that you were,
22 had for the CEC, the owners that were -- that would be
23 your neighbors, so to speak, whose property would abut up
24 to yours, is that changed by expanding?

25 Is it going to be different people, different

1 owners that will now abut your property than previously
2 did under the prior description?

3 MR. ELLIS: Yeah, so when we made the original
4 application, we were already in negotiation for the
5 purchase of this yellow land, Chairman Stafford.

6 So there's no change from the original
7 application. We were building the solar plant and the
8 facilities here, and we were only planning to build solar
9 plant and facilities there, so there's been no change.

10 CHMN STAFFORD: All right. So the people who
11 would be interested in what was happening on that land
12 are the same people, whether it's the size you originally
13 said or the size that you're proposing now?

14 MR. ELLIS: Correct. Yeah, the only difference
15 is the amount of the infrastructure that we would be
16 installing on the land that we're going to ultimately own
17 anyway.

18 CHMN STAFFORD: But any additional lines to tie
19 in any hydrogen project, you'd have to get a separate CEC
20 later on; correct?

21 MR. ELLIS: No. Well, I'll let Mr. Acken
22 address that.

23 MR. ACKEN: No. We are requesting the authority
24 for all of the interconnection facilities that would be
25 necessary, which would include not just the project

1 substation -- and maybe you should flip to the next one.
2 But that -- what's called a behind the meter line and the
3 electrolyzer substations.

4 MEMBER LITTLE: Mr. Chairman.

5 CHMN STAFFORD: Yes, Member Little.

6 MEMBER LITTLE: Can we go back to the map?
7 There. Thank you. The little square area that is
8 between the rust color and the yellow color, what are all
9 those little gray lines? Are those roads? Are there
10 people that live there?

11 MR. ELLIS: There are no residences that are
12 here currently. This land is owned by a collection of
13 individual landowners, Committee Member Little.

14 MEMBER LITTLE: So those are landowner
15 boundaries?

16 MR. ELLIS: Correct.

17 MR. ACKEN: But there's no infrastructure in
18 there.

19 MR. ELLIS: That is correct.

20 CHMN STAFFORD: What is there? Just vacant
21 land?

22 MR. ELLIS: It's vacant land.

23 MEMBER GRINNELL. Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Grinnell.

25 MEMBER GRINNELL: If that's all vacant land, if

1 I'm a property owner in this area, I don't own land just
2 for the sake of owning land. Is there any projected
3 development of this land by any of the property owners
4 that has been discussed with this project, the people of
5 this project?

6 MR. ELLIS: I think there's a couple of answers
7 to that. I'm going to let Mr. Lindenlaub address that
8 first in terms of our outreach to the county. Go ahead.

9 MR. LINDENLAUB: So we are unaware -- the county
10 did not make us aware of any potential development that
11 this project would be interfering with.

12 MR. ELLIS: In addition -- go ahead.

13 MEMBER GRINNELL: When you say you're not
14 interfering with presently, but -- I'm not trying to be
15 antagonistic. I'm just trying to clarify here, people
16 don't own land just for sake of owning the land.

17 MR. LINDENLAUB: Mr. Grinnell, I think I take
18 your point. But to our knowledge, the owners of that
19 land have not brought forth any development plans to the
20 county. So we are unaware currently.

21 MEMBER GRINNELL: Have you spoken with any of
22 the owners of those properties regarding what you're
23 trying to accomplish and get their insight back,
24 communication back and forth with these folks?

25 I guess what I'm concerned about, and I'm

1 looking ahead here say this project takes three years
2 before it gets up and running, just being hypothetical, I
3 decide I want to build a housing development right there.

4 All of a sudden does that housing development
5 interfere with this project? Or does this project
6 interfere with their ability to develop that land down
7 the road?

8 And if so, has there been communication between
9 the property owners and BrightNight regarding their
10 understanding of what they're doing and what their
11 options may be or may not be limited to?

12 MR. ELLIS: And so I can address that. So we
13 have obviously been in communication with the landowners
14 because they -- all of those landowners have been
15 notified under all of the outreach that my colleague,
16 Ms. Sawchuk, identified previously.

17 We're aware of precisely the concern and we
18 share the concern your -- the concern that you're raising
19 today. And so we are already prepared to purchase these
20 additional parcels of land from the landowners that are
21 there should they be concerned about the plans that we
22 are making here in their area and the effect that that
23 might have on them.

24 CHMN STAFFORD: So let me hear that again. So
25 you're saying that the brown square surrounded by the

1 yellow and the red you're willing to buy that at some
2 point, you said?

3 MR. ELLIS: Absolutely.

4 CHMN STAFFORD: All right. All those property
5 owners have received notice of this proceeding, have they
6 not?

7 MR. ELLIS: That is correct.

8 CHMN STAFFORD: None of them chose to make
9 comment or intervene in this matter.

10 MR. ELLIS: That is correct.

11 CHMN STAFFORD: Thank you.

12 MR. ELLIS: You bet.

13 CHMN STAFFORD: Member Grinnell, do you have any
14 more questions?

15 MEMBER GRINNELL: Yeah, Mr. Chairman, one
16 question here. I've got to take a business call for --
17 15 minutes ago, are we going to be --

18 CHMN STAFFORD: I think it's a good time to take
19 a break now. The court reporter has been going solid for
20 like an hour and 45 minutes, I believe. So I think now
21 is the appropriate time to take a ten-minute break.

22 MEMBER GRINNELL: Can you give us 15 and I'll
23 get back here as soon as I can.

24 CHMN STAFFORD: 15 it is.

25 MEMBER GRINNELL: Thank you, sir.

1 CHMN STAFFORD: We stand in recess.

2 (Recess from 2:46 p.m. to 3:05 p.m.)

3 CHMN STAFFORD: All right. We're back on the
4 record. Quick clarifying question. Has Member Gentles
5 joined us? I don't see him on the video.

6 AV TECH MOELLER: He was in for a moment.

7 CHMN STAFFORD: He was, but he's not at the
8 moment.

9 AV TECH MOELLER: He's currently in but his
10 video is off.

11 CHMN STAFFORD: There he is. Welcome.
12 Mr. Acken, you may continue.

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

14 As we were discussing before the break, we're
15 talking about the requested changes to the corridor and
16 the additional infrastructure.

17 And at this time I'd like you to turn,
18 Mr. Ellis, to slides 96 and 97 of THSI-2 which summarize
19 the similarities and the additions that we're requesting.

20 MR. ELLIS: Thank you. So off to the left,
21 direct your attention to the left and then we'll talk
22 about -- actually we'll talk about the picture on the
23 right. I can see everybody's more interested in that
24 anyway.

25 So this is of another project that we did

1 something similar on, and the project substation is
2 located off in the left-hand corner, that's where the
3 power from the solar facility and this other project
4 would be stepped up to transmission voltage.

5 And this additional infrastructure that you hear
6 is a transmission line is really what we're talking
7 about. That is the nature of the change. There are
8 individual substations here within this additional
9 infrastructure that help to transform the power locally
10 for the manufacturing facility.

11 But everything we've talked about and now
12 bringing your attention, so it's going to be the same
13 transmission line structures. We're going to have the
14 same transmission line between the project substation and
15 the switchyard.

16 That's still a mile and a half. It's unchanged.
17 It's still a 300-foot north-south gen-tie corridor that's
18 the same. It's still a 100-foot right-of-way within the
19 corridor. That's the same. It's still the same AEPCO
20 switch yard. It's still the same project substation.

21 What's being requested is just this minor
22 modification, again on land that we're either going to
23 own or will own in the future in a pretty remote area.

24 And so that is the summary of the changes before
25 you today.

1 MEMBER HAMWAY: Mr. Chairman, could I get a --

2 CHMN STAFFORD: Yes, Member Hamway.

3 MEMBER HAMWAY: -- of what "behind the meter"
4 actually means?

5 MR. ELLIS: Yeah --

6 MEMBER HAMWAY: I mean, I know from my home what
7 that means, but I don't know what that means here.

8 MR. ELLIS: Yeah. Thank you for the question.
9 And so if you -- if this is the project substation,
10 typically the -- I should say behind the project
11 substation would probably be a better way of saying it.
12 In fact, I even noted that mentally, I'm like, I'm
13 probably using like an industry term.

14 For substations here, typically the meter often
15 will go at the substation. And so, but it's really this
16 additional transmission line, little lateral run that we
17 would need to bring it to parts of the manufacturing
18 facility. That's what's intended there.

19 CHMN STAFFORD: How long is that line?

20 MR. ELLIS: It's a half mile or less depending
21 on -- it could be a quarter mile or a half mile depending
22 how big that plant is, Chairman Stafford.

23 CHMN STAFFORD: Thank you.

24 MEMBER LITTLE: I have another question.

25 CHMN STAFFORD: Yes, Member Little.

1 MEMBER LITTLE: And this is just out of
2 curiosity.

3 So all of the output from the solar system would
4 go to this plant? Or -- well, if that were the case then
5 you wouldn't need the gen-tie.

6 So the project substation then would split so
7 that some of it went over to the plant and some went to
8 the gen-tie up to the AEPCO system?

9 MR. ELLIS: Yeah, that's a good --

10 MEMBER LITTLE: -- or what electrically is going
11 to happen?

12 MR. ELLIS: That's a great question. So in
13 every case, the project is going to need power from the
14 grid, right? Because these hydrogen facilities run 24/7,
15 and so there always will be power coming from the grid at
16 night. And so we'll always be connected to the grid.

17 During the daytime, depending on the ultimate
18 configuration, in one configuration all of the solar
19 power is consumed locally, and it never exports to the
20 grid.

21 Some of it depends, Member Little, on the
22 relationship between the size of the solar plant and the
23 manufacturer's load. If the load is always bigger than
24 the solar plant, then none of that solar plant output
25 ever makes it to the grid.

1 And there's another configuration in which the
2 solar plant is oversized, and in some cases it can be two
3 or three times oversized, if you will.

4 And in that case, if it's oversized there will
5 be some export to the grid, and sometimes the
6 manufacturers of this product want to be able to produce
7 as much green energy as they consume in the manufacturing
8 of the hydrogen so that they can claim a full carbon
9 offset.

10 But some of those details just really ultimately
11 are still worked out, but that's the short answer. It's
12 either going to get consumed locally or some will be
13 exported to the grid. But there's always going to be
14 power coming from the grid to the facility at night.

15 MEMBER LITTLE: And you don't know the answer to
16 that question as far as the size of the solar facility
17 relative to the nitrogen facility or any of that yet?

18 MR. ELLIS: That is correct. In fact, some of
19 those details are still being worked out at our Yuma
20 project which was approved a month ago.

21 MEMBER LITTLE: So in some ways a project like
22 this is like Walmart putting in their own solar system,
23 kind of like the ones that are on my roof except --

24 MR. ELLIS: That's exact -- that's a great
25 analogy. That's right. Yeah, Walmart puts on their own

1 solar system to offset a portion of their use. But, you
2 know --

3 MEMBER LITTLE: But they still have to be
4 connected to the grid because they need power when
5 they --

6 MR. ELLIS: Exactly. And even though we're
7 contemplating putting some battery storage here, that
8 storage would typically only be two to four hours, maybe
9 six hours total duration, but it wouldn't necessarily
10 take a facility all the way through the nighttime to the
11 next day.

12 MEMBER LITTLE: Thank you.

13 MR. ELLIS: Thank you.

14 MR. PALMER: Mr. Chairman?

15 CHMN STAFFORD: Yes.

16 MR. PALMER: When we looked at the hydrogen
17 project recently, I suspect this one, the one in Yuma.

18 MR. ELLIS: That's correct.

19 MR. PALMER: And I realize the hydrogen
20 manufacturing is not jurisdictional to us, but the
21 interconnection is. In that case it was explained to us
22 the hydrogen was fairly water-intensive and there was an
23 offset with agriculture water use on that land.

24 Here this is no offset. And being from eastern
25 Arizona, I will tell you that the use of ground water is

1 a hot topic and it's a hotly-contested topic in this
2 area.

3 How do you see that and how do you see that
4 going forward in production of hydrogen here?

5 MR. ELLIS: Yeah, it's a good question. And I'm
6 going to answer the question in a moment. I do want to
7 refresh a little bit that conversation from Yuma just to
8 bring it current, and then I want to answer your
9 question.

10 And so in the case of Yuma there was agriculture
11 that was happening there on the property that was each of
12 the quarter sections, circular pivots were based on a
13 1500-gallon per minute, which produced two million
14 gallons a day.

15 And the total water consumption for the proposed
16 hydrogen plant was 200, you know, 120,000 to 200,000
17 gallons a day, so it was a 99 percent reduction in the
18 water use for -- in Yuma.

19 And so now back to your question, so the annual
20 water consumption of a 30-ton hydrogen plant which could
21 be one of the configurations here would be in that
22 150,000 to 200,000 gallons a day, which is probably
23 conservative on the high side.

24 We always look at that in relation to
25 agricultural. There's a lot of agriculture in this

1 valley, and probably not quite as water-intensive, but
2 somewhat similarly water-intensive here.

3 And so we look at this and we think this is an
4 excellent farming opportunity that doesn't require near
5 the amount of water that traditional farming does. And
6 it brings high quality manufacturing and tax base to the
7 county.

8 And so these are the considerations that the
9 local officials are going to consider when they grant us
10 the special use permits, and we're aware of this concern
11 and the question will be do we bring enough benefits to
12 justify that amount of water use.

13 And we think we do but that's -- that's really
14 also for the local community to decide as we go through
15 that permitting process.

16 CHMN STAFFORD: Thank you.

17 MEMBER HAMWAY: Mr. Chairman?

18 CHMN STAFFORD: Yes, Member Hamway.

19 MEMBER HAMWAY: I think in Yuma, and I may be
20 wrong, but I remember that about two-thirds of the power
21 that was generated by the solar plant went to create
22 hydrogen. So a third was available for other purchases.

23 Would you -- is that a good industry standard?
24 Am I wrong? I mean, kind of clear me up on that.
25 Because I do talk about that to people that ask things

1 and I want to be accurate.

2 MR. ELLIS: Yeah. And so you had it generally
3 correct. So, I mean, there's really two -- I'll talk
4 specifically about Yuma for a moment.

5 There's two configurations I think that are a
6 likely outcome. One of the outcomes is that a solar
7 plant produces on an annual basis as much energy as the
8 hydrogen plant consumes.

9 That's not on -- that's not on a realtime basis,
10 right? So because the sun shines you have to overproduce
11 the solar energy in the daytime to make up for the energy
12 that you use at night, but at the end of the day --

13 MEMBER HAMWAY: It's a net.

14 MR. ELLIS: -- it's kind of a net. That's one
15 outcome.

16 In another outcome we might end up designing the
17 plant so that no solar is ever exported, and in that case
18 it's about 50 percent would be consumed locally and the
19 other 50 percent of the energy would come from the grid,
20 and potentially other renewable resources on the grid may
21 be in a different location.

22 I think that's a reasonable way of thinking
23 about it. Somewhere between 50 percent and 100 percent
24 of the solar energy would be -- 50 to 100 percent of the
25 energy that's created locally, somewhere in that area,

1 somewhere in that region, is about equal to what the
2 hydrogen plant would consume.

3 MEMBER HAMWAY: Okay.

4 MR. ELLIS: If I'm answering your question.

5 MEMBER HAMWAY: You did.

6 MR. ELLIS: Okay. Super.

7 CHMN STAFFORD: So you talk about manufacturing
8 hydrogen. What would happen to it after it was
9 manufactured? What is it going to be?

10 MR. ELLIS: Yeah, it gets liquified.

11 CHMN STAFFORD: Pardon?

12 MR. ELLIS: It gets liquified on site and then
13 trucked and transported just like we do oil and gas today
14 to where there's a demand.

15 BY MR. ACKEN:

16 Q. Mr. Ellis, if you could, maybe now would be a
17 good time to follow up on the discussion of the special
18 use permit. Member Palmer mentioned the water use. You
19 testified that that will be addressed in a special use
20 permit. Member Hamway asked or expressed some concern
21 about the timing of special use permit.

22 So I'm going to start off by asking you why
23 haven't you applied for the special use permit at this
24 time?

25 A. (Mr. Ellis) Yeah, so we typically pursue

1 permitting in parallel. For Box Canyon, for example,
2 sometimes the permitting regimes, they have their own
3 time frame.

4 Just by way of context for Box Canyon we got our
5 line system approval in March of 2022, and we received
6 Pinal County approval for the -- we got major land
7 amendment in December, but we didn't get our rezoning
8 until May.

9 So we actually got our rezoning authorization
10 from Pinal County for the solar plant in May.

11 In Yuma, we got our line siting approval in
12 January. We got our special use permit in February of
13 this year. And so in that case we actually got the
14 special use permit. And we typically are working these
15 processes in parallel, so we've started to lay the
16 groundwork for the special use permit.

17 I've already met with two of the three
18 supervisors here in -- I want to say Pinal County -- I've
19 been mangling my words -- Cochise County. Thank you.

20 We've already met with Caleb Blaschke from the
21 City of Willcox. We've already -- I've already met with
22 Robert Kirschmann and other members from the county
23 planning department to lay the groundwork.

24 In fact, I have a meeting tomorrow with one of
25 the large industrial customers just as part of our

1 outreach.

2 And so we're already laying the groundwork. We
3 do plan to go forward later this year, the permitting
4 regimes have their own time frame, and sometimes we get
5 the special use permit followed by the line siting
6 approval, and sometimes it's reversed, and that's the
7 case here.

8 Q. What confidence can you give this Committee that
9 you're actually going to be able to attain that special
10 use permit in a timely fashion?

11 A. (Mr. Ellis) So based on the reception that
12 we've had and we've been told this is a very friendly
13 community, we've had nothing but a warm reception from
14 all the members of the community that we've met with.

15 So the confidence is high, the county has a good
16 track record of permitting these facilities in the past,
17 and we've been told that it's quite likely to happen in
18 our case.

19 And, again, there just really has not -- we
20 think we've -- part of the name of the game here is to be
21 really responsible in terms of where we put these
22 facilities, and we have a minimal biological impact, a
23 minimal impact on, you know, neighbors, and I think as
24 you see with this prompt we've been really thoughtful
25 about where we're putting it to have a minimal impact and

1 not be next to population centers and those kinds of
2 things. And so, yes, the confidence is pretty high.

3 Q. That's a great segue to you, Mr. Lindenlaub.
4 You testified earlier that the project would be
5 environmentally compatible, but that was before we
6 discussed the proposed change.

7 In light of the additional corridor and
8 additional infrastructure, does that affect your
9 conclusions with respect to the environmental
10 compatibility of this project?

11 A. (Mr. Lindenlaub) No, it does not. Given the
12 nature of the project and the modest changes that are
13 being discussed, again, along with the surrounding land
14 uses and nature of the resources, that conclusion has not
15 changed.

16 Q. Thank you. And Ms. Sawchuk, you described the
17 public outreach and summarized all of that what was done
18 for the project. I'd like you to take a moment or
19 several and talk to the Committee about the additional
20 outreach you did to notify the public of these proposed
21 updates.

22 A. (Ms. Sawchuk) Certainly. So in the left screen
23 here you can see a detailed list. First of all, I'd like
24 to begin my remarks with noting that because we have the
25 benefit of this being our third hearing and my third

1 campaign in educating the community on these topics, I
2 had a baseline for what looks like success.

3 In the case of Three Sisters, we were monitoring
4 the social media engagement closely. And while I saw a
5 higher than usual level of engagement, people commenting,
6 clicking, it didn't reach the same saturation of audience
7 that I saw with our projects in Yuma and in Florence.

8 And so when it came time to decide how best to
9 communicate these changes, we chose to use direct mail,
10 the website, and a newspaper notice.

11 And so you can see examples of those items on
12 the right side of the page here where the key information
13 is called out for your review.

14 And then again on the left screen here you see
15 some of the website updates. The very top billing on
16 that page, when you visit that page even today is a
17 message calling out the recent changes. And then a
18 bullet point summary.

19 Of course, one of the things I neglected to
20 mention earlier was it's a strong preference of mine and
21 one that I've brought to BrightNight is to reduce the
22 barriers to public access, talking to any of one of us.

23 So if you were to visit any of your project
24 pages, you'll see Mr. Ellis' cell phone number, e-mail,
25 as well as my contact information. So there's not --

1 that information remained in place during this additional
2 period of notification.

3 Q. So what are your overall conclusions regarding
4 the public outreach process?

5 A. (Ms. Sawchuk) My overall conclusions are that
6 there was no additional concern brought to our attention,
7 that we were able to swiftly and comprehensively inform
8 the public of these changes.

9 We were able to draw on our experience that
10 we've gained across the state to be especially effective
11 and informed in that manner.

12 And so I feel confident that we were able to
13 notify the public of the changes, and I'm confident in my
14 statement in saying that there were no concerns brought
15 to our attention.

16 Q. Thank you.

17 Mr. Ellis, I'd like you to talk about the
18 benefits of the proposed changes in addition to the
19 benefits you talked about the project earlier.

20 A. (Mr. Ellis) Yes. We think we have an excellent
21 baseline project, and we think that the changes that we
22 are proposing for additional approval are relatively
23 benign, particularly in relation to what we think the
24 opportunity affords.

25 This facilitates the potential development of a

1 large scale green hydrogen project, which, you know,
2 there's just a lot of interest in the state.

3 This would help position our state as an early
4 entrant into this technology sector with real growth
5 potential. It would help bring 60 high quality
6 manufacturing and other jobs to the county.

7 It would more than double the regional economic
8 uplift. It's in an area we think -- we know from based
9 on our siting studies is environmentally responsible.
10 It's not near any urban centers or community centers.

11 We just think it's been well sited and there's a
12 lot of benefits to go along with the approval. And so
13 that's what we're seeking here today. And my colleague,
14 Ms. Sawchuk, is going to talk more broadly.

15 Q. Before we close things out, there's a cleanup I
16 want to do with you, Mr. Ellis, on the 10-year plan and
17 the biannual transmission assessment.

18 A. (Mr. Ellis) Sure.

19 Q. Do you recall some questions from Member Little
20 regarding the 10-year plan submittal in this matter?

21 A. (Mr. Ellis) I do.

22 Q. I'd like to turn your attention, we're going to
23 show what's been -- what will be marked for
24 identification as THSI-6. And for the record, I will
25 identify this. This is a November 18, 2022, ACC Staff

1 memorandum that serves as the draft copy of the 12th
2 biannual transmission assessment. Do you see that on the
3 screen before you?

4 A. I do.

5 Q. If we could turn to page 8 of that document.
6 The actual number 8 to -- thank you. And one more. 9, I
7 guess it is.

8 Do you see Three Sisters bn LLC listed at the
9 top?

10 A. I do.

11 Q. And what does that indicate? Does that indicate
12 that the Three Sisters 10-year plan was submitted in
13 2022?

14 A. (Mr. Ellis) It does.

15 Q. And so it's your understanding that that was
16 evaluated, that Staff evaluated as part of their
17 assessment?

18 A. (Mr. Ellis) That's my understanding, yes.

19 Q. Now, if he could go to IV.

20 CHMN STAFFORD: Could you scroll up one second.
21 One more.

22 MR. ACKEN: I think that's too far. Go back the
23 other way.

24 CHMN STAFFORD: Okay. I was trying to say
25 there's two columns.

1 MR. ACKEN: Two columns.

2 CHMN STAFFORD: And I saw a Y and an N. So I
3 was trying to figure out which was which.

4 MR. ACKEN: For the record there's the name of
5 the project and then two columns that are Y and N 2021
6 and 2022. So this accurately reflects that there was not
7 a 10-year plan submitted for this project in 2021. There
8 was, however, a 10-year plan submitted in 2022. And
9 that's reflected on page 9.

10 CHMN STAFFORD: Thank you.

11 MR. ACKEN: If we could go to --

12 MEMBER GRINNELL: Mr. Chairman.

13 CHMN STAFFORD: Yes, Member Grinnell.

14 MEMBER GRINNELL: In that 10-year plan, where is
15 this project in that process in the evaluation of the
16 10-year plan?

17 MR. ACKEN: So it is part of the ACC's 10-year
18 plan review process, so, remember, and I've spoken to
19 this to the Committee before, 10-year plans are submitted
20 in a separate docket.

21 It is a preapplication prerequisite, but it is
22 not something that's actually filed on this docket. It's
23 in a separate planning docket and it is in that 10-year
24 planning docket.

25 And so that's where the 10-year plan was

1 submitted. The document that we're showing on the screen
2 that's been marked as THSI-6 is Staff's draft assessment
3 which incorporates that submittal.

4 MEMBER GRINNELL: It's hard to read.

5 MR. ACKEN: Maybe we can blow it up. I realize
6 on your computer screens it may be small. Let's go to
7 page -- yes, thank you. Make sure I've got my references
8 correct here. Is that page 4? IV? Let's actually go to
9 the next page, page 5.

10 So, I'm sorry, you were right, where it says
11 "Conclusions." Mr. Ellis, can you read that paragraph
12 under "Conclusions," or at least the first couple
13 sentences.

14 MR. ELLIS: That starts with "the information"?

15 BY MR. ACKEN:

16 Q. Yes, please.

17 A. (Mr. Ellis) "The information provided by the
18 utilities and other transmission developers for the 12th
19 BTA was comprehensive and responsive to the statutory and
20 Commission-ordered requirements. The information
21 provided was used to develop the conclusions of the 12th
22 BTA where applicable. The conclusions were organized to
23 answer the four key policy questions described above."

24 Q. It's your understanding when it refers to
25 information provided by utility and other transmission

1 developers, that that includes the 10-year plan submitted
2 by Three Sisters THSI bn?

3 A. It's consistent with my understanding, yes.

4 Q. And then on the next page, if we could go where
5 it says "Adequacy." The following page. If you could
6 read that first paragraph.

7 A. (Mr. Ellis) "The adequacy of the transmission
8 system to reliably serve load is central to the BTA
9 process. Based upon the technical study work examined by
10 Staff and ESTA, the existing and proposed transmission
11 system meets the load-serving requirements of Arizona in
12 a reliable manner for the 2022-2031 time frame."

13 Q. Thank you, Mr. Ellis. I'll stop there.

14 Member Little, I did want to be responsive to
15 your question, and so before I shift gears, if you have
16 any follow-up, happy to answer those now.

17 MEMBER LITTLE: I appreciate that. I was not
18 aware of -- I mean, I wasn't sure whether or not this
19 project was included in the BTA. I'm very familiar with
20 the BTA and that reassured me. Thank you.

21 MR. ACKEN: Okay. Thank you. Thank you for
22 that.

23 MEMBER HAMWAY: May I ask a question,
24 Mr. Chairman?

25 CHMN STAFFORD: Yes, Member Hamway.

1 MEMBER HAMWAY: Okay. So we're currently
2 considering legislation to exclude lines that are under a
3 mile. Do they still have to file a BTA?

4 MR. ACKEN: That's a great question, and it
5 depends on how the statute is revised, but --

6 MEMBER HAMWAY: But today it doesn't require it,
7 the way it's written, I bet. I don't know.

8 MR. ACKEN: I would suspect that's right.
9 Because it's in the -- it only applies to entities that
10 are planning to file an application for a CEC, and if so,
11 if you are no longer planning to file a CEC application
12 or not, and that's what the trigger is for the 10-year
13 plan submittal, then you're correct, you would not have
14 an obligation to do so.

15 MEMBER LITTLE: Which would -- is a potential
16 issue in that it would also mean that the BTA would not
17 consider the generation projects that it currently
18 considers because of the gen-ties that it is aware of in
19 a 10-year plant.

20 MR. ACKEN: I would agree with that from a legal
21 standpoint. Obviously this body is more familiar with
22 the legislation than I am. There is -- as I'm sure
23 you're aware, there are ways to manage that.

24 Because they are separate dockets, I mean, one
25 option would be to still require a 10-year plan filing

1 regardless of whether a CEC application is required.

2 MR. ACKEN: So I think -- I'm hopeful we've
3 addressed the Committee's questions that we've heard so
4 far. I'd like at this time this panel to provide some
5 concluding thought about the project and role in Arizona
6 at this time. Thank you.

7 MS. SAWCHUK: Thank you. I'm excited to share
8 this iteration of information because it represents,
9 again, a comprehensive review of the work that we're
10 doing across the state.

11 But first I'd like to highlight some of the
12 direct impacts that this project would have in Cochise
13 County. And kick that off with underscoring an important
14 partnership that we've established with Liberty Wildlife.
15 And hopefully you all have had exposure to this
16 impressive group.

17 They are a conservation non-profit that have
18 worked with every single significant power producer in
19 the state of Arizona. And following our conversation
20 with the Arizona Fish and Game -- Fish and Wildlife, we
21 reached out to Liberty Wildlife and talked to them about
22 the work that they do.

23 They specialize in habitat restoration, wildlife
24 habitat enhancement and conservation education. And not
25 only will we be supporting their work, we'll be

1 supporting their work over the life of the project.

2 And we would establish that in really two ways.
3 As a function of the ongoing operations and maintenance
4 of the project. So to be on call. But also to be on
5 call to support anything that is going on unique to our
6 project but also to reinforce the work that they're doing
7 across the state.

8 We're also in early conversations with them to
9 fund a specific research project. They were very excited
10 to be able to think about what that might be and not to
11 be asked to focus on something specific.

12 And so myself and my colleagues and I will be
13 working with them to establish what that research project
14 might entail. Again, the clean power produced here is
15 significant. It's equal to 70,000 homes' worth of
16 electricity over the course of a year.

17 And we've also talked extensively about the
18 economic investment. But on a -- on a statewide level
19 the three projects that we have come before you on
20 represent one gigawatt of clean, renewable power.

21 That is an impressive commitment, this kind of
22 energy leadership, and as we've seen here on this project
23 and in the case of Yuma, it is attracting big industry.

24 So while the infrastructure, one of those
25 benefits is passive, and we often hear about the

1 construction jobs being temporary, this infrastructure is
2 critical in that it attracts those long-term jobs.

3 So we're very proud of that work. We've talked
4 about the offset there of two million metric tons of
5 carbon removed from the environment.

6 And of course those are big ticket items. I
7 really want to underscore the importance of local work.
8 We're working in Pinal County to establish a scholarship
9 over the life of the project.

10 And during that conversation, we also determined
11 that we would like to formally facilitate middle school
12 and high school class trips, something I've hosted before
13 in my career. And make sure that those young students
14 are seeing what this infrastructure looks like and going
15 back to the dinner table and talking about it with
16 parents.

17 As I mentioned at the very beginning of our
18 remarks today, our goal is not to succeed on one project,
19 it is to educate and increase comfort with this type of
20 technology going forward for a long time.

21 And so another example of those hyper local
22 instances of partnership would be our work with the
23 Native Gardening Group. Or utilizing small businesses in
24 some of the work that we're doing to host events or even
25 cater today.

1 So I think -- I'm very proud to underscore that
2 type of work. I think it's exceptional. I think we're
3 raising the bar for what it means to be a good local
4 partner. And I'm happy to address questions about that
5 work.

6 But I wanted to close with the sort of local and
7 big statewide impact that BrightNight has brought to you
8 all.

9 MR. ACKEN: So thank you, Mr. Chairman, members
10 of the Committee. That completes our direct case. I
11 would offer Exhibits THSI-1 through 6. If you'd like me
12 to go over them for the record, I can.

13 CHMN STAFFORD: Yes, please.

14 MR. ACKEN: So Exhibit 1 is the application
15 itself.

16 THSI-2 are the slide decks that we presented in
17 the hearing today, both the left and right screen.

18 THSI-3 is the ACC Staff letter that Mr. Ellis
19 discussed.

20 THSI-4 and 5 are public notice, both the second
21 notification and the sign posting that Mr. Lindenlaub and
22 Ms. Sawchuk discussed.

23 Then THSI-6 would be that Staff draft BTA
24 document.

25 CHMN STAFFORD: Those exhibits are admitted.

1 (THSI Exhibits 1 through 6 admitted.)

2 CHMN STAFFORD: Thank you. With that, I think
3 we would discuss the need for a tour on this project.
4 What is the will of the Committee?

5 Do my fellow members have any thoughts on
6 whether a tour would be required? I'm inclined that the
7 virtual tour was adequate given the remoteness and lack
8 of surrounding anything.

9 MEMBER HAMWAY: I agree, Mr. Chairman, for
10 myself.

11 MEMBER PALMER: I concur as well.

12 MEMBER DRAGO: Concur.

13 CHMN STAFFORD: Members Little, Gentles, and
14 Grinnell, do you have any thoughts on whether a tour is
15 necessary?

16 MEMBER GENTLES: This is Member Gentles. I
17 don't think a tour is necessary.

18 MEMBER LITTLE: Well, I'm certainly not
19 interested. It's supposed to snow again tomorrow.

20 MEMBER GRINNELL: I'm not.

21 CHMN STAFFORD: Well, do we need to take a vote
22 or just we decide not to take a tour?

23 MEMBER PALMER: I will move we dispense with the
24 tour.

25 MEMBER HAMWAY: Second.

1 CHMN STAFFORD: All in favor.

2 (A chorus of "ayes.")

3 CHMN STAFFORD: All opposed?

4 The ayes have it. There will be no tour.

5 Do my fellow Committee members have any

6 additional questions for the applicant?

7 MEMBER FRENCH: Mr. Chairman, I would like to
8 bring up something along the lines of what Member Palmer
9 was discussing about the water use for the hydrogen
10 facility. And I would like to discuss with the Committee
11 the possibility of a condition within this CEC.

12 Historically in the past for power generating
13 facilities outside of the active management areas within
14 the state and the irrigation non-expansion areas, there
15 have been added conditions that the power production
16 facility would report their water usage on annual basis
17 to the department of water resources for a duration of
18 time that we decide, whether that be a lifetime of the
19 project, five years, ten years, what have you.

20 So I would like to propose that possibility to
21 the Committee and then also open it up to the witness
22 testimony on whether their opinion is if their partner
23 would be willing to report their water usage.

24 CHMN STAFFORD: Mr. Acken, which witness would
25 you like to respond to that? Or do you have something?

1 MR. ACKEN: I will direct that to Mr. Ellis. I
2 appreciate the caveat -- or the sentiment added by Member
3 French at the end, in the recognition that the hydrogen
4 plant will have a third-party operator, right?

5 And so anything that -- we can't commit the
6 third-party to do it. All we can do is ask, right? So
7 I'd make that a caveat.

8 And then of course the lawyer and the
9 jurisdictional concern in my mind, I have concerns about
10 doing that here because it's not jurisdictional. With
11 that said, I understand the department's interest in it
12 and it makes sense why you'd be interested in it.

13 So setting aside my jurisdictional concern, I
14 would like Mr. Ellis to provide his perspective on it.

15 MR. ELLIS: Yeah, I'm not certain how
16 confidential some of this is regarded by these third
17 parties. It certainly seems like a reasonable ask to me.
18 So I would be very comfortable making that request to the
19 third party for sure to have reporting before the
20 department of water resources.

21 MEMBER FRENCH: Thank you.

22 MR. ELLIS: Seems reasonable to me.

23 MEMBER GENTLES: Mr. Chairman?

24 CHMN STAFFORD: Yes, Member Gentles.

25 MEMBER GENTLES: Just following up on that same

1 conversation, given the significant interest in water
2 usage, I think that's something that the public would be
3 very interested in knowing and understanding on all of
4 these projects.

5 MR. ACKEN: Understood. I would ask, we can
6 take it as homework tonight to draft a condition for the
7 Committee's consideration consistent with the testimony
8 of Mr. Ellis and the Committee's desire. And be prepared
9 to present that tomorrow morning.

10 MEMBER FRENCH: Thank you.

11 MEMBER LITTLE: Mr. Chairman?

12 CHMN STAFFORD: Yes, Member Little.

13 MEMBER LITTLE: Along those lines, I would like
14 to suggest that the Committee also consider a couple of
15 other conditions.

16 I think we all recognize that these CEC
17 applications are coming fairly early in the planning
18 process and they're coming hot and heavy. And I know, I
19 do not mean to cast any aspersions on any of the
20 applicants.

21 However, we've heard an awful lot of "we're in
22 conversation with." "We have confidence that this will
23 happen." "We are sure that we can get this."

24 And I think that I personally feel that I would
25 not be doing my -- I would not be living up to my

1 responsibilities to the public if there was not something
2 in the CEC itself that just required the applicant to
3 follow a couple of things that they have said that they
4 are working with.

5 And one of those is on page 5 of Exhibit B,
6 which is the Cultural Resources Assessment. There's a
7 recommendation there that the pipeline -- they identify a
8 pipeline and an archaeological site. And it was
9 recommended that the project be designed so that both the
10 pipeline and that archaeological site be avoided.

11 And so I would like to see a condition like that
12 also added.

13 And then going back to the Fish and Game letter,
14 and this one I'm not even sure exactly how it would be
15 worded, because some of the issues that were presented in
16 that letter you guys have indicated -- or the applicant
17 has indicated have been addressed to the satisfaction of
18 Fish and Game.

19 I don't know if we could come up with something
20 that requires that the applicant have a letter from Fish
21 and Game indicating that the applicant has agreed to meet
22 the mitigation measures suggested by Fish and Game. I
23 don't know.

24 Mr. Acken, perhaps you can think of some
25 language along those lines.

1 MR. ACKEN: Thank you. Let us chew on that one
2 tonight. My initial thought is I'm loathe to have a
3 condition that requires me to get Game and Fish to do
4 something that they may or may not be willing to do. But
5 I understand the --

6 MEMBER LITTLE: That makes sense.

7 MR. ACKEN: I understand the concern. So let us
8 take that as an action item to see if we can propose
9 something that addresses the issue and we'll be prepared
10 for that tomorrow morning.

11 MEMBER LITTLE: Thank you very much.

12 MEMBER GENTLES: Mr. Chairman?

13 CHMN STAFFORD: Yes, Member Gentles.

14 MEMBER GENTLES: May I give Mr. Acken something
15 else to chew on? I know he's got a lot on his plate to
16 chew on tonight.

17 CHMN STAFFORD: Absolutely.

18 MEMBER GENTLES: I'm glad Member Little brought
19 up kind of closing the loop on some of these things where
20 you have some vague language.

21 And I've been thinking about some of that
22 language that we've had over the last -- we've had that
23 language in a number of our cases, right?

24 One that comes to point, I can't remember the
25 case but I think it was down in Marana someplace where

1 there's a heavily contested -- what would I say --
2 negotiation between two parties that they would negotiate
3 in, quote, good faith.

4 I can't remember exactly. Bert, you probably
5 remember what it is. But, you know, once that CEC is
6 filed and they get approval, no -- at least I don't ever
7 see any resolution or update on what has occurred unless
8 it's being published on the applicant's website, the
9 project website.

10 And that's one of the reasons why I asked some
11 time ago how long does that website stay up and its
12 usage. So it's my hope that as we come across these
13 vague languages or things that are yet to be determined,
14 that there's some mechanism that goes into the record,
15 whether it's on the website or otherwise an updated FAQ.
16 I know Maribeth understands the language, so perhaps
17 that's something we can look into as well.

18 MR. ACKEN: Member Gentles, appreciate that.
19 And one thing I'll note is we do have the annual -- every
20 applicant does the self-certification requirement. And
21 those get filed in the ACC docket.

22 And if you ever had a chance to look at those,
23 not all applicants do it the same way, but the folks I
24 work with are very detailed in those responses. And it
25 says over the past course of the year, here's everything

1 we've done.

2 So, for example, we've got Condition 1, I think
3 is always you're going to comply with all federal, state
4 and local requirements. So this question about are you
5 going to get a special use permit?

6 Well, we're going to self-certify where we stand
7 on that. Because it's necessary for the solar project.
8 So that's going to be addressed. So that's always in the
9 Commission docket.

10 As far as leaving up project websites, let me
11 talk to the BrightNight team. I've known some other
12 applicants are concerned about hosting in perpetuity,
13 things like that, and making sure it's accurate.

14 And if you had both the project website and the
15 Commission docket and making sure they're consistent.
16 Frankly, I rely on the Commission docket because it is
17 good.

18 But let us take that and see what we can do
19 here. But I do want this Committee to know and you to
20 take comfort that that information is available and the
21 self-certifications are taken seriously by the applicants
22 in a robust manner to true check what we say we're going
23 to do.

24 MEMBER GENTLES: So if that's the case,
25 Mr. Acken, and Member Little, would the requirement for

1 another condition be needed here? I think addressing
2 Member Little's concern about vagueness of some of the
3 language.

4 MEMBER LITTLE: I guess that's a good question.
5 Because some of those conditions are very broad.

6 In my mind, my concern is that A, D, F and G
7 brought these concerns to light in a letter that is in
8 the application.

9 And all we have is the applicant's assurance
10 that they're talking to the -- and I would like to know
11 what gets filed at the Commission.

12 All the applicant is required to file at the
13 Commission is to address all of the conditions. So if
14 there is a condition that says something about addressing
15 those concerns, then the applicant has to file something
16 with the Commission that said that they have addressed
17 them. And I would like to see that since it was
18 specifically brought up in the application.

19 MR. ACKEN: Understood.

20 MEMBER GENTLES: I think it's a valid point.

21 CHMN STAFFORD: Any further questions from the
22 members? You've presented your entire case in chief,
23 then, so I guess we're ready to break until the public
24 comment then.

25 MR. ACKEN: Mr. Chairman, I believe so at this

1 time. I may want to do a brief closing, but I think I'd
2 like to reserve that until tomorrow, see what we hear
3 tonight, if any, on public comment, and that gives us an
4 opportunity to take some of these items and deal with
5 them at that time.

6 CHMN STAFFORD: All right. Well, then, anything
7 further from the Committee? Then we'll stand in recess
8 until tomorrow morning at nine a.m. -- oh, wait.

9 MR. ACKEN: 5:30.

10 CHMN STAFFORD: Well, it's a public -- is that a
11 separate noticing or is that part of the name proceeding?

12 MR. ACKEN: I believe it's still the same
13 proceeding.

14 CHMN STAFFORD: Is it the same? All right. So
15 then we'll stand in recess until 5:30, at which time
16 we'll reconvene to take public comment. We're in recess.
17 Thank you.

18 (Recess from 3:51 p.m. to 5:31 p.m.)

19 CHMN STAFFORD: Now is the time set for public
20 hearing in the line siting case 215. Signed up to speak
21 first I have Curtis Nolan.

22 Curtis Nolan, you're up.

23 MR. NOLAN: Members of the system and all who
24 are gathered here, I'm a local resident. I was here just
25 to watch the process and understand it.

1 I am a family man that lives north of town and
2 not really in the area where this is going to happen.
3 But I really literally came to just hear the process and
4 see what was going on.

5 I wasn't here earlier. This isn't important,
6 but just so you know it and I think some of the folks
7 here know I'm on the Sulfur Springs Electric board of
8 directors, and so I'm a member of the board there.

9 And so that's why it caught my interest, and I
10 just came to listen to the process and see what's going
11 on, so thank you for allowing me to be here.

12 I didn't realize I signed up to make a comment.
13 I have no idea where you found my name, but here I am.
14 So thanks a lot.

15 CHMN STAFFORD: Thank you. Next up is William
16 Riggs.

17 MR. RIGGS: Hello again. I didn't know I signed
18 up to speak either. I just came to get educated. Local
19 rancher, landowner and a contractor. Just come to see
20 what's going on and what their program is and what they
21 have to offer.

22 CHMN STAFFORD: Thank you.

23 Next up is Frank Shelton.

24 MR. SHELTON: I thought I was signing up to get
25 on a mailing list. I have no comment.

1 CHMN STAFFORD: Okay. Thank you, sir. And
2 Marshall Goodwin.

3 MR. GOODWIN: I'm the same way. Just signing
4 in.

5 CHMN STAFFORD: Okay. Thank you. I understand
6 we have some callers on the phone to make comment.

7 AV TECH MOELLER: Mr. Chairman, we have John Cay
8 is our first speaker from Zoom.

9 CHMN STAFFORD: Thank you. Mr. Cay, can you
10 please spell your name for the record? Hello, Mr. Cay,
11 can you hear me?

12 MR. OAKES: I think you might be talking to me.
13 This is Mr. Oakes. Somehow we're mixed up in this.

14 CHMN STAFFORD: Okay. Can you please state your
15 name and spell your last name for the court reporter.

16 MR. OAKES: Yes, Tommy Oakes, O-A-K-E-S.

17 CHMN STAFFORD: Thank you. Please proceed.

18 MR. OAKES: Okay.

19 CHMN STAFFORD: Do you have comments to make,
20 sir?

21 MR. OAKES: Oh, I'm sorry, I didn't know you
22 were waiting on me. My apologies. Yes, I do.

23 Sorry about that. Nobody said anything. Okay.

24 Yeah, I own land that is proposed, at least one
25 of them substations is going to be right on top of my

1 property going horizontally.

2 And I was wondering who -- I have two questions.
3 Will that be like a typical substation for a power
4 company, or would it be the substation for the -- the --
5 what am I looking for here? -- the solar side of it? On
6 your map.

7 CHMN STAFFORD: This is time for public comment,
8 not for us to answer questions, sir.

9 MR. OAKES: I'm sorry. I'm sorry. My public
10 comment is that I have no problem with the power going
11 down to my property and, et cetera, right to the line.
12 And so I just wanted to know, I've already convinced
13 myself by reading that there's no danger from the power
14 company as far as encroaching on my property. So that's
15 it. That's it -- that's it in a nutshell.

16 CHMN STAFFORD: So you're in support of the
17 project as proposed?

18 MR. OAKES: I am in support of the project as
19 proposed.

20 MR. ACKEN: Mr. Chairman, if I may.

21 CHMN STAFFORD: Mr. Acken.

22 MR. ACKEN: If he has a couple of questions, I'm
23 happy to have our team address those offline. But so I
24 want to ask the public commenter if Mr. Ellis could give
25 him his information or direct him to the website where he

1 can get in contact with Mr. Ellis and those two can speak
2 directly and address those questions.

3 MR. OAKES: Okay. Thank you very much. I'd
4 appreciate that, you should have my phone number or
5 somewhere if you need to contact me.

6 CHMN STAFFORD: Excuse me. Do the AV people, do
7 you have his contact information?

8 MR. ELLIS: I can provide it right now.

9 MR. OAKES: Is it first name Ron?

10 CHMN STAFFORD: Beg your pardon?

11 MR. OAKES: What's his first name? The
12 gentleman I'd be in contact, Mr. Ellis.

13 MR. ACKEN: Erik Ellis.

14 MR. OAKES: Erik, no, I don't have his -- if
15 somebody can somehow get to me, I'd appreciate it so I
16 can talk to him about the other thing.

17 MR. ACKEN: We'll see if we can drop it in the
18 Zoom or if you could put that in the Zoom. I don't want
19 you to give your information publicly in this forum.

20 MR. OAKES: I understand, sir, okay. That makes
21 sense, but I'm definitely pro project that's going on.

22 MR. ACKEN: Okay.

23 CHMN STAFFORD: All right. Thank you. And the
24 applicant will follow up with you offline, then. Thank
25 you, sir.

1 MR. OAKES: Okay. You're welcome, sir, thank
2 you.

3 CHMN STAFFORD: Do we have more public
4 commenters on the line?

5 AV TECH MOELLER: Mr. Chairman, we still have
6 someone named John Cay on line, but they did not respond
7 the last time and their video is currently off.

8 CHMN STAFFORD: All right. Well, we'll again
9 attempt to allow Mr. John Cay to make public comment at
10 this time. Mr. Cay, can you hear us?

11 He's the only other commenter that we have?

12 AV TECH MOELLER: Mr. Chairman, that is the only
13 other commenter that we have, and his mic remains off.
14 Or their mic remains off.

15 Mr. Chairman, at this time there are no other
16 virtual attendees or participants.

17 CHMN STAFFORD: Thank you. Last call for
18 Mr. John Cay for public comment. Mr. John Cay.

19 It appears he's changed his mind and does not
20 wish to speak.

21 Does that conclude all the commenters we have?
22 Well, that concludes our public comment session for this
23 matter. We will recess until tomorrow morning at
24 nine a.m.

25 Anything further from the committee before I --

1 all right. We stand in recess until nine a.m. Thank
2 you.

3 (The hearing recessed at 5:41 p.m.)

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15 Dated at Phoenix, Arizona, March 1, 2023.

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