

1 BEFORE THE ARIZONA POWER PLANT LS-287  
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 28, 2023  
12 eFiled: March 3, 2023

13 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
14 VOLUME II  
15 (Pages 121 through 199)

22 GLENNIE REPORTING SERVICES, LLC  
23 Court Reporting, Video & Videoconferencing  
24 1555 East Orangewood Avenue, Phoenix, AZ 85020  
25 602.266.6535 admin@glennie-reporting.com

By: Jennifer Honn, RPR  
Arizona CR No. 50558

1	VOLUME I	February 27, 2023	Pages 1 to 120
2	VOLUME II	February 28, 2023	Pages 121 to 199

2

3

4

5

INDEX TO PROCEEDINGS

6	ITEM		PAGE
---	------	--	------

7	Opening Statement of Mr. Acken		7
---	--------------------------------	--	---

8	Presentation of Virtual Tour		39
---	------------------------------	--	----

9	Public Comment Session		113
---	------------------------	--	-----

10	Closing Statement of Mr. Acken		140
----	--------------------------------	--	-----

11	Deliberations		143
----	---------------	--	-----

12	Vote		191
----	------	--	-----

13

14

INDEX TO EXAMINATIONS

15	WITNESSES		PAGE
----	-----------	--	------

16	Erik Ellis, Maribeth Sawchuk, and Brian Lindenlaub		
	- for the Applicant		

17

	Direct Examination by Mr. Acken		14
--	---------------------------------	--	----

18	Direct Examination by Mr. Acken (cont.)		126
----	---	--	-----

19

20

21

22

23

24

25

## 1 INDEX TO EXHIBITS

2	NO.	DESCRIPTION	IDENTIFIED	ADMITTED
3	THSI-1	First Page of Application	12	104
4	THSI-2	Three Sisters CEC Final Testimony Slides	12	104
5	THSI-3	Staff letter	12	104
6	THSI-4	Supplemental Notice	12	104
7	THSI-5	Sign with revised map	12	104
8	THSI-6	Draft copy of the 12th biannual transmission assessment	94	104
9				
10	CHMN-1	Draft CEC	143	For Reference
11	CHMN-2	Redline CEC	143	For Reference

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 9:04 a.m.  
6 on February 28, 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  
111 East Dunlap Avenue  
Suite 1-172  
20 Phoenix, Arizona 85020

21

22

23

24

25

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

2 We are continuing the hearing on line siting  
3 matter 215.

4 Mr. Acken, I believe you had some additional  
5 testimony to present.

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

7 And we've reorganized a little bit because I was  
8 feeling lonely yesterday. So I've asked Mr. Ellis and  
9 Mr. Lindenlaub to present some additional testimony and  
10 some proposed conditions and revisions to what we had  
11 previously proposed to address some -- to address kind of  
12 the Committee's concerns and questions from yesterday  
13 afternoon.

14 So I'd like to start there. And where I would  
15 like to start is with what would be revised condition 5.  
16 So we filed a proposed -- and so let's show that on the  
17 screen. We had proposed -- standard condition 5 is  
18 something the Committee sees on a regular basis. And you  
19 can see the reference to CEC-213, which is our Yuma  
20 project, the Orchard project, and the Committee approved  
21 that condition at that time.

22 You know, we heard some questions from Member  
23 Little about the Game and Fish outreach, so we wanted to  
24 be responsive to that and dive in a little deeper on the  
25 discussions and also see if we could wordsmith the

1 condition to be a little more specific to Game and Fish's  
2 letter here.

3 So with that I'd like to turn it over to  
4 Mr. Lindenlaub, who was on point for the discussions with  
5 Game and Fish that we've already had.

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 (Cont.)

14 BY MR. ACKEN:

15 Q. First, if you would, Mr. Lindenlaub, introduce  
16 this condition and why you think it's responsive to the  
17 Game and Fish meeting that you had.

18 A. (Mr. Lindenlaub) Certainly. We revisited the  
19 nature of the Arizona Game and Fish letter a little bit  
20 yesterday. And meeting with the Arizona Game and Fish  
21 Department, the primary concerns that they had were  
22 largely related to the avian wildlife that are associated  
23 with the important bird area.

24 They had been introduced -- one of the Game and  
25 Fish reps had been introduced to the concept of the

1 ultraviolet lighting the previous year and was very  
2 excited to hear that we were pursuing it for this project  
3 here. The follow-up request was that's great for low  
4 light conditions, particularly as it relates to cranes  
5 and ibis, but is there an opportunity to include bird  
6 diverters that would be more effective in daylight  
7 conditions.

8 We have no indication that those two mitigation  
9 elements are in conflict, and our expectation is that we  
10 can use both of those together.

11 Again, Game and Fish was really pleased to see  
12 that.

13 Again, the other thing BrightNight is going to  
14 do is do pre-construction clearance surveys. And if you  
15 go back to the Game and Fish letter, they mention a  
16 number of species that are of potential concern,  
17 including a couple of turtle species, a fox, birds  
18 protected under the Migratory Bird Treaty Act, et cetera.  
19 Those pre-construction clearance surveys would include  
20 all of those species.

21 A couple of the species, the Western burrowing  
22 owl and then the Migratory Bird Treaty Act species, have  
23 some protocols associated with those clearances, and, of  
24 course, the Applicant would adhere to those protocols.

25 MR. ACKEN: Thank you, Mr. Lindenlaub.

1 BY MR. ACKEN:

2 Q. Mr. Ellis, you were also in attendance at that  
3 meeting with Game and Fish; is that correct?

4 A. (Mr. Ellis) I was.

5 Q. And could you share your perspective with the  
6 Committee as to Game and Fish's response to these  
7 proposed mitigation measures?

8 A. (Mr. Ellis) Yeah. I'd like to bring some  
9 additional comfort and, you know, I attended the meeting  
10 and wrote down in particular a number of the comments at  
11 the end of the meeting in my notebook, which I'm going to  
12 read from here.

13 But we were -- we were and we are very serious  
14 about addressing these concerns, and, as Mr. Lindenlaub  
15 has summarized, we identified specific mitigations. And  
16 at end of the call Game and Fish said, and I quote,  
17 "You've really taken our comments to heart, and we really  
18 appreciate how you responded to the concerns that we've  
19 raised."

20 So I want to just mention those additional  
21 statements to bring comfort. We're not intending to be  
22 vague. I can be very specific here about that call and  
23 the things that were stated at the conclusion of that  
24 call.

25 Q. Thank you Mr. Ellis.



1           The next condition that we discussed from the  
2 Committee members was from Member French regarding water  
3 use with the non-jurisdictional hydrogen facility. So,  
4 Mr. Ellis, I'd like you to introduce what we have marked  
5 or identified as proposed new condition 23 for the  
6 Committee.

7           A.       (Mr. Ellis)   Yeah. As we indicated yesterday  
8 or as I indicated, we think this is certainly a  
9 reasonable ask. And the condition reads as follows: "If  
10 the project interconnects with a hydrogen facility, the  
11 Applicant shall request a hydrogen facility operator to  
12 submit annual filings documentation -- excuse me, annual  
13 filings documenting the hydrogen facility's annual water  
14 use in this docket for the first five years of the  
15 hydrogen facility's operation."

16           CHMN STAFFORD: I have a question on this. What  
17 is the nature of the relationship between the Applicant  
18 and the operator of the hydrogen facility?

19           MR. ELLIS: Thank you, Chairman Stafford. The  
20 relationship would be one -- so there are a few different  
21 ways of structuring a transaction like this. One of the  
22 ways that this transaction would be structured is that we  
23 could be selling the output of the solar facility  
24 directly to the hydrogen facility operator.

25           CHMN STAFFORD: So there would be a contract for

1 the purchase of the power?

2 MR. ELLIS: That's right. That would be one of  
3 the options, correct.

4 CHMN STAFFORD: Well, in that circumstance I  
5 think the Committee could require the Applicants to  
6 include a provision in that contract that requires the  
7 non-jurisdictional hydrogen facility to provide  
8 documentation of its water use.

9 MR. ACKEN: You know, the one thing I will add  
10 to that, and you could tie it contractually so the  
11 request would be in the nature of a contract. The one  
12 thing if we were to do that, I don't know -- I don't  
13 think this panel knows whether there would be an  
14 assertion of confidentiality by the hydrogen facility.

15 And so I would want something in there -- I  
16 would specifically request something in there that says,  
17 you know, the Applicant shall request that the contract  
18 between the operator and the project document the  
19 hydrogen facility's annual water use to the extent it's  
20 non-privileged and non-confidential. That would be  
21 something that we can clearly run into trouble with. I  
22 just don't know.

23 I don't know if they take the position that it's  
24 confidential for business purposes, but sometimes they do  
25 in other related context. And we do that in a couple

1 ways. Sometimes it's just a filing with Staff that  
2 doesn't go in the docket. Here I understand the goal is  
3 to put something in the docket for the Department of  
4 Water Resources, but I would request that caveat that it  
5 be limited to non-confidential and non-privileged  
6 information.

7 MEMBER LITTLE: Mr. Chairman.

8 CHMN STAFFORD: Yes, Member Little.

9 MEMBER LITTLE: I'm aware of many, many  
10 instances when confidential information has been provided  
11 to the Corporation Commission and those that need the  
12 information or have the right to see it sign on  
13 confidentiality agreements.

14 So there's often information that is considered  
15 confidential that is provided to the Corporation  
16 Commission. And I personally don't see a problem with it  
17 even if it's docketed -- the confidential portion of that  
18 information is redacted.

19 CHMN STAFFORD: I agree with you, Member Little.  
20 I think that they're required to report the water usage.  
21 And if it has to be confidential, they can submit it  
22 under seal to the Commission. And then the Department of  
23 Water Resources, we've got to have access to get into the  
24 privacy agreement and be able to see, because I think  
25 it's important to know what the water use is going to be.

1 MEMBER FRENCH: Mr. Chairman, I would agree that  
2 it would be beneficial for all parties involved for the  
3 hydrogen facility to report their water usage. For  
4 example, if any more regulation regarding water occurs in  
5 the Wilcox Playa area, the hydrogen facility being able  
6 to prove their water consumption over a period of time  
7 makes it easier for the department to approve any  
8 subsequent applications for water rights in the future.

9 MR. ACKEN: Yes, there is provisions for  
10 confidentiality. We actually have a protective agreement  
11 in this docket for the system impact study. The only two  
12 parties to that are ACC Staff and the Applicant.

13 As Member Little notes, to the extent there was  
14 additional information that could not be docketed  
15 publicly, other parties can seek to become a party --  
16 other interested entities can seek to become a party to  
17 that protective agreement. So that's something DWR  
18 wanted to do, and that could be done.

19 I just want to be clear that the Committee  
20 understands that if that's the case, then that's how it  
21 would be submitted. You know, whatever non-privileged  
22 information could be docketed, but other information  
23 would have to be done pursuant to a protective agreement.  
24 And I guess -- and I think through that protective  
25 agreement would need to add the hydrogen facility

1 operator as well, which could happen, but they're not a  
2 party to the existing one today.

3 CHMN STAFFORD: Please continue, Mr. Acken.

4 BY MR. ACKEN:

5 Q. Thank you. The third condition was a second new  
6 one. We heard questions about a couple of the cultural  
7 resources. And so first I'd like Mr. Lindenlaub to  
8 describe the two resources in the vicinity of the project  
9 in greater detail.

10 What exactly are we talking about?

11 A. (Mr. Lindenlaub) The first site is the in-use  
12 El Paso Natural Gas Pipeline. It's of an age where it's  
13 eligible for registering on the National Register of  
14 Historic Places. However, it is exempt from Section 106  
15 consultation with the SHPO, which really isn't at issue  
16 here.

17 The gas line's going to need to be crossed as  
18 part of the project, but due to requirements related to  
19 gas pipelines and just good engineering practice, impacts  
20 to the pipeline will be avoided.

21 The second site is -- was identified back in the  
22 '70s as lithic scatter. All of the features or isolates  
23 that were identified as part of that scatter back in the  
24 '70s were collected as part of that effort, and the site  
25 no longer has any surface expression.

1           Again, the project will ideally be designed to  
2 avoid that site. However, if for whatever reason it  
3 can't be, we propose to prepare a testing and data  
4 recovery plan and implement it prior to disturbance.

5           Testing and data recovery for those unfamiliar  
6 is the standard procedure for mitigating impacts to a  
7 cultural resources site, collecting the information  
8 available from that site.

9           CHMN STAFFORD: Now, where is that site relative  
10 to the route? Is it where the line will go? Is it where  
11 the substation or a switchyard will be?

12           MR. LINDENLAUB: It's nearer to the switchyard.

13           CHMN STAFFORD: Where the switchyard will be  
14 constructed or where the line will enter the switchyard?

15           MR. LINDENLAUB: Near to the switchyard itself,  
16 not necessarily just the line.

17           CHMN STAFFORD: Okay.

18           MR. ACKEN: So you see on the screen new  
19 condition 24 is designed to reflect that. It references  
20 the two sites, the existing pipeline, and then that  
21 scatter. And we note that the gas pipeline must be  
22 crossed, and but avoidance of ground survey impacts to  
23 the pipeline is required by law and good engineering  
24 practices, so that's something the Applicant can live  
25 with.

1           And then with respect to the old scatter, you  
2 know, the goal is avoidance, but if it cannot be,  
3 Applicant's prepared to commit to a testing and data  
4 recovery plan to be prepared and implemented prior to  
5 ground disturbance.

6           MEMBER FRENCH: Mr. Chairman.

7           CHMN STAFFORD: Member French.

8           MEMBER FRENCH: On this issue of the scatter and  
9 the archaeological site, does the Applicant intend to  
10 have a monitor present during any of these actions?

11           MR. ACKEN: That's a good question. I believe  
12 there is standard conditions that relate to some cultural  
13 resources, but I don't know that there's a specific  
14 requirement for a monitor. There is requirements about  
15 training and things like that that you have in your  
16 standard condition, so folks are on notice.

17           This site is known, so I think, you know, there  
18 could be training on what it is, where it is, and how to  
19 avoid it that can be conducted.

20           MR. LINDENLAUB: If I may, Mr. Acken, the other  
21 opportunity there is if the site can be designed so as to  
22 avoid the site, the site can be fenced. That's pretty  
23 common practice for us, and, therefore, not warranting a  
24 monitor.

25           MR. ACKEN: Okay. Thank you. So those were the

1 three proposed conditions -- two new, one modified -- in  
2 response to the questions we heard.

3 Happy to answer further questions about that or  
4 move to a brief closing.

5 CHMN STAFFORD: One second. Member Gentles, I  
6 seem to recall you had a suggestion for an additional  
7 condition about the website. Is that correct, Member  
8 Gentles?

9 MEMBER GENTLES: No. It wasn't a condition.  
10 Thank you, Mr. Chairman, for remembering.

11 I just wanted to have an understanding of how  
12 the Applicants closed the loop on the loose ends in the  
13 conversations that we're having as it relates to some  
14 things that they're working on, will work through, etc.,  
15 as pursuant to Member Little's comments.

16 I think Mr. Acken answered it well enough. I  
17 think he chewed on it enough to give it I think some  
18 visibility, but I'm happy to hear Mr. Acken's response.

19 MR. ACKEN: Thank you, Member Gentles. And we  
20 had not forgotten, but that had been my understanding  
21 from our conversation yesterday.

22 Again, the information -- you know, the  
23 self-certification requirement is an excellent tool, and  
24 my clients take it seriously. It's done on an annual  
25 basis. We go through condition by condition and talk



1 about what has been done and what will be done.

2 And so any interested party, members of the  
3 Committee, members of the public, the Commission,  
4 Commission Staff, can review those self-certification  
5 letters and say, are they doing what they said they  
6 would, and how's that coming along?

7 And the answer is, you know, they do. But if  
8 they were not to, that would be reflected in the  
9 self-certification letter, and there would be an  
10 opportunity to address it at that time. But that's why  
11 that tool existed. And I do think it's a nice reporting  
12 tool to provide that comfort on some of these items that  
13 will occur after the CEC.

14 As Mr. Ellis testified, you know, most of these  
15 projects are seeking multiple approvals. This one  
16 doesn't have a federal component. That's great. It  
17 makes it a little easier, but most have state and local,  
18 and so you like to know how are those moving along in  
19 parallel, understanding that they aren't necessarily done  
20 at the exact same time. That's difficult to do, but how  
21 does this Committee take comfort that things are moving  
22 forward and actually getting built and getting built the  
23 way the applicant says they will, and that's the nature  
24 of that self-certification letter that is docketed and  
25 available for public review.

1 MEMBER GENTLES: And, Mr. Chairman, if I might  
2 ask Member Little if that also adequately addresses her  
3 concern from the initial question?

4 CHMN STAFFORD: Member Little.

5 MEMBER LITTLE: Thank you, Member Gentles. Yes,  
6 it does. I am comfortable with the conditions that were  
7 proposed and the changes to the ADF&G condition proposed  
8 by --

9 MEMBER GENTLES: Okay. And then, Mr. Chairman,  
10 could you -- Mr. Acken, can you just go back to the water  
11 that I see that you did and sort of the condition around  
12 water reporting.

13 MR. ACKEN: Yes. It's on the screen. That  
14 would be new condition 23. And so the request -- or the  
15 suggestion by the Chairman was to revise that so that the  
16 Applicant would make that a contractual obligation with  
17 the party with whom will be operating the hydrogen  
18 facility.

19 So it's not just that we're asking them to do it  
20 but as a contractual obligation that they do so to the  
21 extent they can. And then, of course, if they cannot,  
22 then it's incumbent upon them to seek a protective  
23 agreement and explain why not.

24 MEMBER GENTLES: And then, Mr. French, do you  
25 see that this condition might carry through to future

1 CECs adjusted accordingly?

2 CHMN STAFFORD: Member French.

3 MEMBER FRENCH: Member Gentles, it's a  
4 possibility that this condition could carry over into  
5 future CECs for facilities located outside of the active  
6 management areas within the state.

7 MEMBER GENTLES: All right. Wonderful. Thank  
8 you, Mr. Chairman.

9 MR. ACKEN: And I will note just because I feel  
10 like I have to, personally I have some concerns with  
11 conditions that reflect facilities that are not subject  
12 to jurisdiction, but I will say, you know, the Applicant  
13 deserves a lot of credit here for being pragmatic and  
14 saying, yes, they're willing to do that notwithstanding  
15 their lawyer's concern about the jurisdictional limits of  
16 the Committee. So I just wanted to note that.

17 MEMBER GRINNELL: Mr. Chairman.

18 CHMN STAFFORD. Any other testimony, Mr. Acken?

19 MEMBER GRINNELL: Mr. Chairman.

20 CHMN STAFFORD: Oh, Member Grinnell.

21 MEMBER GRINNELL: Yes. Just real quick to  
22 Mr. Acken's point about jurisdiction. One of our -- part  
23 of our responsibility is not only to the utilities and  
24 the Corporation Commission about what we can and cannot  
25 really rule on. We do have a responsibility to the

1 citizens, the ratepayers.

2 And whether it's water or other issues, I think  
3 that it is incumbent upon us to be more aware of the  
4 bigger picture, not just the sort of myopic gen-tie. And  
5 so I appreciate Mr. Acken's position, but I do believe  
6 this Committee is responsible to a larger audience on a  
7 much broader scope even though we have no control over  
8 the solar (indiscernible) wind turbines or whatever else  
9 may be the case. We still have a responsibility to the  
10 citizens. I'll leave it at that. Thank you.

11 MR. ACKEN: And thank you for that. And I  
12 understand that. And the Applicant most certainly  
13 understands that, and I think that's why you see their  
14 willingness to support this condition.

15 CHMN STAFFORD: Does that conclude your  
16 testimony, Mr. Acken?

17 MR. ACKEN: It does. We rest at this time.

18 CHMN STAFFORD: Would you like to give your  
19 closing now?

20 MR. ACKEN: I'll just give a really brief  
21 closing.

22 I want to thank the Committee for your time,  
23 those of you that have made the drive from Willcox, those  
24 of you who have spent time on the virtual proceeding.  
25 Having done that once myself, I realize that's not very

1 easy in its own right. And so it's very -- in fact, it's  
2 somewhat more difficult. So thank you for your  
3 attention.

4 We think this is a great project. I hope you  
5 agree. It's -- you know, BrightNight, this is the third  
6 time they've been before this Committee, and I think  
7 they've got a track record of first class public  
8 outreach, first class location siting. And that's  
9 reflected by public support and lack of opposition.

10 Here, I mean public support is quite remarkable  
11 in my mind. We had a handful of nearby residents show up  
12 yesterday, none of who expressed concerns. We have a  
13 community in Willcox that's eager for this sort of  
14 development. It's nice to see a different part of the  
15 state benefit from the renewable energy boom that the  
16 state is seeing.

17 Some areas I think may be feeling put-upon.  
18 This area is not. They're very eager and supportive.  
19 And I think that the public commenter last night who said  
20 he owned land next to the project substation and was in  
21 support, that may be a first for me. So I hope that the  
22 Committee takes that to heart and sees why there is a lot  
23 of public support for building this type of project in  
24 Willcox.

25 It's a good project. It's a short transmission

1 line. It interconnects with existing AEPCO transmission  
2 line. It's located in a very rural, remote area with no  
3 residences. And so it's a perfect siting opportunity.

4           You've heard what this Applicant has been  
5 willing to do to go above and beyond with respect to  
6 working with Game and Fish, being -- taking the time to  
7 hear their concerns, meet with them, address their  
8 concerns. The UV lighting I think is a new -- is a new  
9 one for me, and it's great to see. And I hope other  
10 applicants will look to do something similar.

11           And then you heard Ms. Sawchuk talk about the  
12 Applicant's commitments in Arizona. This is an entity  
13 that -- the two BrightNight representatives on either  
14 side of me are Phoenix locals and from Phoenix. And so  
15 this is an entity that has a deep connection to Arizona  
16 and a desire and commitment to being an excellent partner  
17 in the state for a long time to come. So we think it's a  
18 great project.

19           And then the last thing I will note is that  
20 those updates, we talked about them, it's on land that  
21 the Applicant owns or controls some additional  
22 infrastructure. That's, again, supported by nearby  
23 landowners. And so we would ask, and you'll see a  
24 proposed finding of fact that it is not a substantial  
25 deviation to allow the potential interconnection of a

1 hydrogen facility, which would provide even greater  
2 additional benefits for this region and allow it to  
3 participate in this really, frankly, exciting opportunity  
4 as we move forward with both renewable energy and green  
5 hydrogen.

6 So with that, thank you, and happy to answer any  
7 questions that you may have.

8 CHMN STAFFORD: Do any of the members have  
9 additional questions?

10 So are we ready to begin deliberations?

11 I'd like to take a brief recess. And then we'll  
12 come back and begin deliberations. I think we'll take a  
13 10-minute break. We stand in recess.

14 (Recess from 9:31 a.m. to 9:48 a.m.)

15 CHMN STAFFORD: All right. We're back on the  
16 record, and we're ready to begin our deliberations for  
17 the CEC. Will you project them up on to the screens for  
18 us, please.

19 MR. ACKEN: We will put the Word version on the  
20 left, and then the PDF, which is the Chairman's exhibit  
21 on the right.

22 CHMN STAFFORD: So the introduction looks  
23 correct, and we'll fill in the last paragraph at the end.

24 MR. ACKEN: Just scroll down. Not that far.  
25 Go up.

1 CHMN STAFFORD: All in favor of the introduction  
2 save the last paragraph which will be -- excuse me, not  
3 the last paragraph but the -- yes, last paragraph.

4 MEMBER HAMWAY: Mr. Chairman it works best --

5 CHMN STAFFORD: Member Hamway.

6 MEMBER HAMWAY: -- if you say, like, from line 9  
7 to line 20 do I have an approval that everyone --  
8 whatever.

9 CHMN STAFFORD: Okay. From line 9 to --

10 MEMBER HAMWAY: However far you want to go.

11 CHMN STAFFORD: So from page 1, line 9 through  
12 page 2, line 8.

13 MEMBER PALMER: I would move approval of those  
14 lines.

15 MEMBER HAMWAY: Second.

16 CHMN STAFFORD: Moved by Member Palmer.  
17 Seconded by Member Hamway.

18 All in favor?

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: The "ayes" have it.  
23 Move on to project description.

24 MR. ACKEN: Mr. Chairman.

25 CHMN STAFFORD: Yes, Mr. Acken.



1 MR. ACKEN: On page 2, line 7 and 8, we're going  
2 to need to change that to say that no parties requested  
3 intervention.

4 CHMN STAFFORD: Yes.

5 MEMBER HAMWAY: Good catch.

6 CHMN STAFFORD: Good catch, Mr. Acken. Thank  
7 you.

8 Can I get a motion?

9 Can I get a motion to adopt the paragraph  
10 regarding intervention?

11 MEMBER PALMER: I move approval of lines 7 and 8  
12 as amended.

13 MEMBER HAMWAY: Second.

14 CHMN STAFFORD: Moved by Member Palmer.  
15 Seconded by Member Hamway.

16 All in favor?

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Moving on to the project  
21 description, lines 16, page 2, through line 8, page 3.  
22 Take a moment to review it. I don't need to read it all.

23 MEMBER HAMWAY: Oh, please do.

24 MEMBER FRENCH: Mr. Acken, if you could do me a  
25 favor and zoom in on the left screen a little. Thank

1 you.

2 MR. ACKEN: And we do have a map if you'd like  
3 us to show the map that would be Exhibit A.

4 CHMN STAFFORD: Yes, please.

5 MR. ACKEN: So this would be our proposed map,  
6 Exhibit A. It reflects the corridor and siting area in a  
7 black and white version for printing purposes.

8 CHMN STAFFORD: Any questions from members on  
9 this section?

10 (No response.)

11 CHMN STAFFORD: Can I get a motion to adopt?

12 MEMBER HAMWAY: So moved.

13 MEMBER DRAGO: Second.

14 CHMN STAFFORD: Moved by Member Hamway.

15 Seconded by Member Drago.

16 All in favor.

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: The "ayes" have it.

21 On to conditions. Condition No. 1.

22 MEMBER PALMER: Move condition No. 1.

23 MEMBER HAMWAY: Second.

24 CHMN STAFFORD: Moved by Member Palmer.

25 Seconded by Member Hamway.

1 All in favor.

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: The "ayes" have it.

6 Condition No. 2.

7 MEMBER GENTLES: I move condition 2. This is  
8 Member Gentles.

9 CHMN STAFFORD: What about -- I have a quick  
10 question on this.

11 Turn to CEC-1.

12 MR. ACKEN: Oh, yeah. That's a typo. That  
13 should just say "CEC."

14 MEMBER GENTLES: Right.

15 MR. ACKEN: That's a vestige from the last one,  
16 the case 213.

17 Thank you for that catch.

18 MEMBER GENTLES: With that edit I'll still move  
19 condition No. 2.

20 MEMBER HAMWAY: Just a real quick -- I think in  
21 the testimony we heard a two-mile radius rather than  
22 five-mile radius.

23 MR. ACKEN: So the two-mile radius is your  
24 standard study area.

25 MEMBER HAMWAY: Okay.

1 MR. ACKEN: The five-mile is what has been  
2 the --

3 MEMBER HAMWAY: Okay.

4 MR. ACKEN: -- typical condition that the  
5 Committee has adopted.

6 MEMBER HAMWAY: I'm sorry I interrupted.

7 CHMN STAFFORD: So it was moved by Member  
8 Gentles and seconded by --

9 MEMBER PALMER: I did.

10 CHMN STAFFORD: -- Member Palmer. Thank you.  
11 All in favor.

12 (A chorus of "ayes.")

13 CHMN STAFFORD: Opposed?

14 (No response.)

15 CHMN STAFFORD: The "ayes" have it.

16 I'm not seeing the correction on the screen. Is  
17 it -- okay. The dash hasn't been deleted yet, has it, or  
18 is it just a color change that I can't see?

19 MR. ACKEN: You just can't see it, yeah.

20 CHMN STAFFORD: Okay.

21 MR. ACKEN: And, Mr. Chairman, we typically --  
22 one of the Committee members will grant you and the  
23 Applicant the authority to make any, you know, conforming  
24 edits after the case.

25 CHMN STAFFORD: I was going to ask for that

1 motion in conclusion of this, but, yes.

2 Moving on to condition 3.

3 Do we need to make any amendments to section 3,  
4 condition 3?

5 MEMBER HAMWAY: I move condition 3.

6 MEMBER DRAGO: Second.

7 CHMN STAFFORD: All in favor?

8 (A chorus of "ayes.")

9 CHMN STAFFORD: Opposed?

10 (No response.)

11 CHMN STAFFORD: The "ayes" have it. Condition 3  
12 is adopted.

13 Condition No. 4.

14 MEMBER LITTLE: Mr. Chairman.

15 CHMN STAFFORD: Yes, Member Little.

16 MEMBER LITTLE: Do we need to move it before I  
17 ask a question about it?

18 CHMN STAFFORD: I do not believe so, no.

19 MEMBER LITTLE: Okay. I'm wondering whether  
20 this condition -- the legal minds in the room, whether  
21 this condition includes the Department of the Army since  
22 they sent a letter. It's in the application discussing  
23 some things that may be required of the Applicant  
24 depending on what water use or --

25 CHMN STAFFORD: Well, my -- my view is that it

1 says that they should inquire with the -- any interim  
2 jurisdiction, including the United States of America. I  
3 believe that would include all aspects of the federal  
4 government.

5 MEMBER LITTLE: Okay. Thank you.

6 CHMN STAFFORD: Does anyone have a different  
7 understanding of that than I do?

8 MEMBER PALMER: I think that's correct.

9 CHMN STAFFORD: Okay. Can I get a motion to --

10 MEMBER LITTLE: I move condition No. 4.

11 CHMN STAFFORD: Okay. So moved.

12 Second?

13 MEMBER HAMWAY: Second.

14 All in favor?

15 (A chorus of ayes.)

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: The "ayes" have it. Condition 4  
19 is adopted.

20 Condition No. 5.

21 MR. ACKEN: So for condition No. 5 we will  
22 toggle to our revised proposal here in a second. So show  
23 the -- this would be revised condition 5 pursuant to our  
24 discussion this morning. That would replace our original  
25 proposed condition 5.

1 CHMN STAFFORD: Do any members have comments or  
2 questions about this additional language for condition 5?

3 MEMBER PALMER: Probably want to strike through  
4 the CEC 213.

5 With that I would move approval of condition 5  
6 as amended.

7 MEMBER FRENCH: Second.

8 CHMN STAFFORD: All in favor?

9 (A chorus of "ayes.")

10 MEMBER GRINNELL: Mr. Chairman.

11 CHMN STAFFORD: Yes, Member Grinnell.

12 MEMBER GRINNELL: Are we going to copy and paste  
13 this into the original?

14 CHMN STAFFORD: Yes. That is my understanding.  
15 This is the language that will be in the final version of  
16 the CEC.

17 MEMBER GRINNELL: Okay. Just to clarify. Thank  
18 you.

19 MR. ACKEN: We will do that now.

20 CHMN STAFFORD: Second?

21 I believe the item was moved but not seconded.

22 MEMBER PALMER: Yeah, I think it was.

23 CHMN STAFFORD: Who seconded the motion?

24 MEMBER PALMER: Take your pick.

25 MEMBER HAMWAY: I think I did.

1 CHMN STAFFORD: Member Hamway.  
2 All in favor?  
3 (A chorus of ayes.)  
4 CHMN STAFFORD: Opposed?  
5 (No response.)  
6 CHMN STAFFORD: The "ayes" have it.  
7 Condition 5 as modified is adopted.  
8 Condition 6.  
9 Any member comment or questions on this  
10 condition?  
11 If not, can I get a motion?  
12 MEMBER HAMWAY: I move condition 6.  
13 MEMBER MERCER: Second.  
14 CHMN STAFFORD: All in favor?  
15 (A chorus of "ayes.")  
16 CHMN STAFFORD: Opposed?  
17 (No response.)  
18 CHMN STAFFORD: The "ayes" have it.  
19 MEMBER GENTLES: Mr. Chairman, I have just a  
20 quick question.  
21 CHMN STAFFORD: Yes, Member Gentles.  
22 MEMBER GENTLES: We had some conversation about  
23 UV lighting, I think it was, if you recall.  
24 Does that fit into any of these conditions, or  
25 does that need to be addressed?



1 CHMN STAFFORD: I believe that was in a  
2 subsequent condition or previous.

3 MEMBER GENTLES: Okay.

4 CHMN STAFFORD: It was in the previous one,  
5 wasn't it? It was in the condition 5.

6 MULTIPLE MEMBERS: Yes.

7 MEMBER GENTLES: Under Game and Fish Department?  
8 Okay.

9 All right. Thank you, Mr. Chair.

10 CHMN STAFFORD: Move on to condition 7.

11 MEMBER MERCER: I move condition 7.

12 MEMBER FRENCH: Second.

13 CHMN STAFFORD: All in favor?

14 (A chorus of "ayes.")

15 CHMN STAFFORD: Opposed?

16 (No response.)

17 CHMN STAFFORD: Hearing none, condition 7 is  
18 adopted.

19 Condition No. 8.

20 MEMBER HAMWAY: I move condition 8.

21 MEMBER FRENCH: Second.

22 MEMBER GRINNELL: Can I see condition 8, please?  
23 All the bouncing around here is -- I'm trying to figure  
24 out where I am.

25 Condition 8, is that the notice of the salvage

1 requirements?

2 MEMBER LITTLE: I think. Yes.

3 MEMBER GRINNELL: Okay. Thank you.

4 CHMN STAFFORD: Hang on. We got the other -- is  
5 the numbering --

6 MR. ACKEN: The numbering is wrong on ours.  
7 When we cut -- there you go.

8 CHMN STAFFORD: Okay. So that's what's throwing  
9 it off.

10 MEMBER PALMER: Yeah, 8's the one above. We  
11 haven't done it yet.

12 CHMN STAFFORD: Yeah, one moment. We need to  
13 get this sorted out. I'm seeing different numbers than  
14 the left screen.

15 MEMBER PALMER: We have two 5s.

16 MR. ACKEN: Sorry about that.

17 CHMN STAFFORD: So we're on condition 8. Is the  
18 condition 8 on the left the same as the right? There you  
19 go.

20 Have we moved condition 8?

21 MEMBER HAMWAY: I thought I did.

22 MEMBER FRENCH: I thought you did.

23 MEMBER HAMWAY: I did. And David seconds.

24 CHMN STAFFORD: Member French second. Okay.

25 All in favor.

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: The "ayes" have it. Condition 8  
5 is adopted.

6 Moving on to condition 9. Any comments or  
7 questions?

8 MEMBER LITTLE: I move condition 9.

9 MEMBER PALMER: Second.

10 CHMN STAFFORD: Moved by Member Little.  
11 Seconded by Member Palmer.

12 All in favor?

13 (A chorus of ayes.)

14 CHMN STAFFORD: Opposed?

15 (No response.)

16 Hearing none, condition 9 is adopted.

17 Moving on to condition 10.

18 MEMBER HAMWAY: I move condition 10.

19 MEMBER PALMER: Second.

20 MEMBER GENTLES: I'll second that.

21 CHMN STAFFORD: All in favor?

22 (A chorus of "ayes.")

23 CHMN STAFFORD: Opposed?

24 (No response.)

25 CHMN STAFFORD: Hearing none, condition 10 is

1 adopted.

2 Moving on to condition 11.

3 MEMBER MERCER: I move condition 11.

4 MEMBER GENTLES: Second.

5 CHMN STAFFORD: Seconded by Member Gentles.

6 All in favor.

7 (A chorus of "ayes.")

8 CHMN STAFFORD: Opposed?

9 (No response.)

10 CHMN STAFFORD: Condition 11 is adopted.

11 Moving on to condition 12.

12 MEMBER PALMER: I move condition 12.

13 MEMBER HAMWAY: Second.

14 CHMN STAFFORD: All in favor?

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

18 CHMN STAFFORD: Hearing none, condition 12 is

19 adopted.

20 Condition 13.

21 MEMBER HAMWAY: I move condition 13.

22 MEMBER PALMER: Second.

23 MEMBER FRENCH: Mr. Chairman?

24 CHMN STAFFORD: Yes, Member French.

25 MEMBER FRENCH: Mr. Acken, if you could clarify

1 for me, does this non-specular conductor have -- if we  
2 use the word "shall," does that have any impact on the  
3 possible use of the ultraviolet lighting that was  
4 mentioned through the testimony?

5 MR. ACKEN: That's an excellent question. My  
6 understanding is no, but let's ask the witness who's  
7 actually sworn and may have some technical expertise.

8 Mr. Lindenlaub.

9 MR. LINDENLAUB: I don't believe so either based  
10 on what we know.

11 MEMBER FRENCH: Thank you.

12 CHMN STAFFORD: The item has been moved and  
13 seconded.

14 All in favor.

15 (A chorus of "ayes.")

16 CHMN STAFFORD: Opposed?

17 (No response.)

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

20 Moving on to condition 14.

21 MEMBER LITTLE: Move condition 14.

22 CHMN STAFFORD: Thank you, Member Little.

23 MEMBER MERCER: Second.

24 CHMN STAFFORD: All in favor?

25 (A chorus of "ayes.")

1 CHMN STAFFORD: Opposed?  
2 (No response.)  
3 CHMN STAFFORD: Hearing none, condition 14 is  
4 adopted.  
5 Condition 15.  
6 MEMBER LITTLE: I move condition 15.  
7 CHMN STAFFORD: Thank you, Member Little.  
8 MEMBER HAMWAY: Palmer seconded.  
9 CHMN STAFFORD: Oh, thank you, Member Palmer.  
10 All in favor.  
11 (A chorus of "ayes.")  
12 CHMN STAFFORD: Opposed?  
13 (No response.)  
14 CHMN STAFFORD: Condition 15 is adopted.  
15 Moving on to 16.  
16 MEMBER PALMER: I move condition 16.  
17 CHMN STAFFORD: Member Grinnell, you had a  
18 question?  
19 MEMBER GRINNELL: No. I said I moved it, but  
20 Palmer beat me.  
21 MEMBER PALMER: Then I'll second it. I'll be  
22 the second.  
23 CHMN STAFFORD: All in favor?  
24 (A chorus of "ayes.")  
25 CHMN STAFFORD: Opposed?

1 (No response.)

2 CHMN STAFFORD: Hearing none, condition 16 is  
3 adopted.

4 Moving on to condition 17.

5 MEMBER GENTLES: Can you scroll down, please?  
6 Just -- Mr. Chairman, just out of curiosity --

7 CHMN STAFFORD: Yes, Member Gentles.

8 MEMBER GENTLES: -- given that this is a  
9 hydrogen plant, is there any natural gas usage directly  
10 or indirectly for this project?

11 CHMN STAFFORD: Mr. Acken or --

12 MR. ACKEN: I'll defer that to Mr. Ellis.

13 MR. ELLIS: Thank you for the question. There  
14 is currently no plans for any natural gas usage on the  
15 project.

16 MEMBER GENTLES: Thank you.

17 MEMBER PALMER: I move condition 17.

18 MEMBER HAMWAY: Second?

19 MEMBER GENTLES: I'll second that.

20 CHMN STAFFORD: All in favor?

21 (A chorus of "ayes.")

22 CHMN STAFFORD: Opposed?

23 (No response.)

24 CHMN STAFFORD: Hearing none, condition 17 is  
25 adopted.

1 Moving on to condition 18.

2 MEMBER GRINNELL: I'm seeing Mr. Gentles, but  
3 I'm not seeing the document. Hey, Carl.

4 MEMBER GENTLES: I'm trying to stay in the light  
5 here. Sorry. I had to take this in my backyard.

6 MEMBER GRINNELL: Can I see the document,  
7 please? There you go. Thank you. I'm trying to  
8 remember which condition.

9 MEMBER MERCER: 18.

10 CHMN STAFFORD: 18, yes.

11 MEMBER GRINNELL: No. I'm just trying to  
12 remember what 18 is.

13 I'll move condition 18.

14 MEMBER MERCER: Second.

15 CHMN STAFFORD: All in favor?

16 (A chorus of "ayes.")

17 CHMN STAFFORD: Opposed?

18 (No response.)

19 CHMN STAFFORD: Hearing none, condition 18 is  
20 adopted.

21 Moving on to condition 19.

22 MEMBER MERCER: I move condition 19.

23 MEMBER PALMER: Second.

24 CHMN STAFFORD: All in favor?

25 (A chorus of "ayes.")



1 CHMN STAFFORD: Member Palmer was the second.  
2 Opposed?  
3 (No response.)  
4 CHMN STAFFORD: Hearing none, condition 19 was  
5 adopted.  
6 Moving on to condition 20.  
7 MEMBER LITTLE: I move condition 20.  
8 MEMBER MERCER: Second.  
9 CHMN STAFFORD: All in favor?  
10 (A chorus of "ayes.")  
11 CHMN STAFFORD: Opposed?  
12 (No response.)  
13 CHMN STAFFORD: Hearing none, condition 20 is  
14 adopted.  
15 Moving on to condition 21.  
16 MEMBER HAMWAY: I move 21.  
17 MEMBER DRAGO: Second.  
18 CHMN STAFFORD: Member French was the second.  
19 Oh, not Member French. Member Drago, excuse me.  
20 All in favor.  
21 (A chorus of "ayes.")  
22 CHMN STAFFORD: Opposed?  
23 (No response.)  
24 CHMN STAFFORD: Hearing none, condition 21 is  
25 adopted.

1 Condition 22.

2 MEMBER GRINNELL: May we put -- thank you.

3 I move condition 22.

4 MEMBER PALMER: Second.

5 CHMN STAFFORD: All in favor?

6 (A chorus of "ayes.")

7 CHMN STAFFORD: Opposed?

8 (No response.)

9 CHMN STAFFORD: Hearing none, condition 22 is  
10 adopted.

11 I understand we have some additional conditions  
12 to consider.

13 MR. ACKEN: Scroll down to 23 and 24. They're  
14 on that other sheet.

15 CHMN STAFFORD: Do we need to clarify where the  
16 annual filing will be submitted and on what date?

17 Would it be with the May compliance filing? Is  
18 that what we're envisioning? But it would continue after  
19 the project's in service?

20 MR. ACKEN: Well, it actually won't tie to the  
21 self-certification which stop after construction. So I  
22 think that's a good catch. We should say "annual filings  
23 to docket control."

24 So annual filings to docket control. I don't  
25 know. Submit annual filings.

1           Yeah. And then the thought was for the five  
2 years of hydrogen facilities operation. And then, yeah,  
3 I guess I don't know how much time we would need. 90  
4 days, you know, by March 31?

5           What do you think makes sense?

6           MEMBER FRENCH: Mr. Chairman.

7           CHMN STAFFORD: Yes, Member French.

8           MEMBER FRENCH: Just for something to compare  
9 this to, other water users that are required to report  
10 their water use to the Department of Water Resources are  
11 required to submit annual reports by March 31.

12          MR. ACKEN: Well, there you go.

13          CHMN STAFFORD: So we should think March 31 is  
14 the date to file?

15          MR. ACKEN: By March 31 documenting -- yeah. It  
16 will be for five years.

17          CHMN STAFFORD: Can you move the -- there you  
18 go. Thank you.

19          MEMBER GRINNELL: Mr. Chairman?

20          CHMN STAFFORD: Yes, Member Grinnell.

21          MEMBER GRINNELL: I think we asked and was not  
22 quite sure how -- or maybe a reminder of how it was  
23 answered. If I'm not mistaken, Mr. Acken said we would  
24 not be -- they would not require another CEC to  
25 interconnect with the hydrogen project.

1 CHMN STAFFORD: No. They would not. That's my  
2 understanding.

3 MEMBER GRINNELL: Do we need to clarify that  
4 someplace in this document because --

5 MR. ACKEN: That it is our --

6 CHMN STAFFORD: I believe that's addressed -- I  
7 believe it's addressed later on in the conclusions --  
8 finding of fact and conclusions of law.

9 MR. ACKEN: Exactly. Thank you.

10 MEMBER LITTLE: I have a question.

11 CHMN STAFFORD: Yes, Member Little.

12 MEMBER LITTLE: Can a contract direct or does  
13 the contract require?

14 CHMN STAFFORD: My understanding is that the  
15 condition would require the Applicant to include a  
16 contractual provision with the hydrogen facility where  
17 they would be required to report their annual water usage  
18 for the first five years of the operation.

19 MEMBER LITTLE: So direct should be changed to  
20 require.

21 Mr. Acken?

22 MR. ACKEN: I don't have any concern with that  
23 change. Do you?

24 MR. ELLIS: No. That's fine.

25 CHMN STAFFORD: Any other member comments or

1 questions on this condition?

2 Remind me again why it's the first five years.

3 MR. ACKEN: I believe -- and this may have been  
4 sidebar discussions about after five years of operation  
5 you'll have a good sense -- it will have ramped up, and  
6 you'll have a good sense of what their operation will be  
7 continuing. And I think it's consistent with what the  
8 Committee and Commission have done for generating  
9 resources that were subject to a similar condition back  
10 in the 2000s, that this wouldn't extend in perpetuity, it  
11 would be for about five years in order to give the  
12 Department of Water resources a baseline of information.

13 CHMN STAFFORD: All right. Member French, do  
14 you have any other additional concerns on this?

15 MEMBER FRENCH: I do not at this point. I would  
16 move that we adopt this new condition 23 as written.

17 MEMBER HAMWAY: Second.

18 CHMN STAFFORD: All in favor?

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Hearing none, new condition 23  
23 is adopted.

24 Moving on to new condition 24.

25 MEMBER LITTLE: I move condition 24.

1 CHMN STAFFORD: Thank you, Member Little.

2 MEMBER MERCER: Second.

3 CHMN STAFFORD: All in favor?

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Condition No. 24 is adopted.

8 Moving on to the findings of fact and

9 conclusions of law.

10 New finding of fact 1. Findings of facts and  
11 conclusions of law.

12 We'll let you paste the new conditions in before  
13 we get going. Finding of facts and conclusions of law.

14 Ready? All right. So finding of facts and  
15 conclusions of law number one. This is a new finding.

16 Mr. Acken, do you have comment?

17 MR. ACKEN: Yeah, sorry, Chairman. This  
18 addresses Member Grinnell's concern. And I see former  
19 Chairman Mr. Katz has joined us. He deserves the credit  
20 for this, that, you know, we were going to request a  
21 finding of no substantial deviation or request a ruling  
22 from the Committee of no substantial deviation. He  
23 suggested that we have a specific finding to that effect.  
24 So if the Committee were to adopt this, it would give us  
25 approval for the additional infrastructure

1 interconnection facilities, including that short gen-tie  
2 associated with a hydrogen facility.

3 MEMBER LITTLE: I have a question.

4 CHMN STAFFORD: Yes, Member Little.

5 MEMBER LITTLE: The phrase "along with the  
6 additional facilities to be located therein," I'm  
7 concerned that that might be interpreted at some point in  
8 the future to include things that were not described  
9 under the project description.

10 So I'm wondering if maybe we could just say,  
11 "additional facilities to be located therein as described  
12 in the project description," or something like that, just  
13 to clarify the point that what we're talking about here  
14 is just what we talked about here in the hearing.

15 MR. ACKEN: Thank you. I would ask that it be  
16 to not the project description but the hearing testimony.

17 MEMBER LITTLE: Okay. That's fine.

18 MR. ACKEN: Yeah.

19 MEMBER GRINNELL: Mr. Chairman.

20 CHMN STAFFORD: Yes, Member Grinnell.

21 MEMBER GRINNELL: And with the discussion of the  
22 battery storage facility, would that -- so we're talking  
23 about two issues: Battery storage facility as well as  
24 the hydrogen -- potential hydrogen plant.

25 MEMBER PALMER: Those are actually not

1 jurisdictional, but it would be the line connecting with  
2 those.

3 MEMBER GRINNELL: Well, that's what I'm talking  
4 about, the lines.

5 MEMBER PALMER: Yeah.

6 MEMBER GRINNELL: So we're basically  
7 pre-approving a CEC of projects we have no idea of what  
8 we're --

9 CHMN STAFFORD: My understanding is that these  
10 would be a line fully contained on the approved site and  
11 tie-ins to either a storage or a hydrogen facility.

12 Is that correct, Mr. Acken?

13 MR. ACKEN: That's correct. These additions are  
14 not tied to the solar and battery project. This is for  
15 the hydrogen facility.

16 CHMN STAFFORD: So there's no battery. It's  
17 just -- it's just -- it's a 230 kV line that runs a short  
18 distance with tie-ins on the substation site?

19 MR. ACKEN: Correct, to serve the hydrogen  
20 facility.

21 The generation project does have a battery  
22 component, but that's always been in place, and that's  
23 not subject to this application.

24 CHMN STAFFORD: There's not additional lines for  
25 that?



1 MR. ACKEN: Correct. Correct.

2 CHMN STAFFORD: Thank you for that  
3 clarification.

4 Does that answer your question, Member Grinnell?

5 MEMBER GRINNELL: Yeah. I just wanted to make  
6 sure that we're not just giving blanket approval to a  
7 bunch of things that we're not sure that's not coming in.

8 Do we need to spell out the hydrogen facility  
9 here, be very succinct?

10 CHMN STAFFORD: Yeah. I think, perhaps, a more  
11 concise definition than as described in the testimony.

12 Did you have any suggested language for that,  
13 Member Grinnell, or any other members have thoughts on  
14 that?

15 MEMBER GRINNELL: I mean, if he just put in in  
16 parenthesis someplace the hydrogen, and that way it will  
17 clarify what was described in the -- hearing and then put  
18 in parenthesis (hydrogen facility). And then we're being  
19 very succinct and deliberate about what we're -- this  
20 conclusion is actually talking about.

21 Because the general public is not going to go  
22 back and look and see what we're talking about. I think  
23 it's important that we're as clear as possible.

24 CHMN STAFFORD: Well, let's look at the project  
25 description up in page 2 and 3. So we're talking -- this

1 is regarding the No. 4 and 5.

2 MEMBER LITTLE: How about "along with the  
3 additional facilities associated with the hydrogen  
4 facility to be located therein"? And then eliminate "as  
5 described in the hearing testimony."

6 CHMN STAFFORD: Mr. Acken?

7 MR. ACKEN: That's a great idea. My only ask  
8 would be to tie it to the additional interconnection  
9 facilities because, again, we're not siting the hydrogen  
10 facilities.

11 MEMBER LITTLE: Well, that's true.

12 MR. ACKEN: So if we could just tighten it to  
13 "additional interconnection facilities associated with  
14 the hydrogen facility."

15 CHMN STAFFORD: Should we say "potential  
16 hydrogen facility"?

17 MR. ACKEN: Yes.

18 CHMN STAFFORD: Okay.

19 MEMBER PALMER: Do you need a "with" there after  
20 "associated"?

21 CHMN STAFFORD: I think we should probably move  
22 the comma after "hearing" and put it after "testimony."  
23 There you go.

24 Any further comments or questions from members?

25 MEMBER PALMER: With that I would move the

1 findings of fact and conclusion of law No. 1 as amended.

2 MEMBER HAMWAY: Second.

3 CHMN STAFFORD: All in favor?

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: Findings of fact and conclusion  
8 of law No. 1 is adopted.

9 Findings of fact and conclusion of law No. 2.

10 We need a motion. It hasn't been moved yet.

11 MEMBER HAMWAY: I move finding of fact No. 2.

12 MEMBER GENTLES: I'll second it.

13 CHMN STAFFORD: Was that Member Gentles that  
14 seconded?

15 MEMBER GENTLES: Oh, I'm sorry I thought we were  
16 still on No. 1. So scratch that.

17 But I'll still second.

18 CHMN STAFFORD: All in favor?

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 CHMN STAFFORD: Finding of facts and conclusion  
23 of law No. 2 is adopted.

24 Findings of fact and conclusion of law No. 3.

25 MEMBER HAMWAY: Excuse me, but do we know this

1 since we don't have any system impact studies?

2 MR. ACKEN: You do have a system impact study in  
3 this case.

4 MEMBER HAMWAY: Okay.

5 CHMN STAFFORD: Member Little, did you have a  
6 question or comment?

7 MEMBER LITTLE: No -- no.

8 MEMBER GRINNELL: Mr. Chairman.

9 CHMN STAFFORD: Mr. Grinnell.

10 MEMBER GRINNELL: Do we have a system impact  
11 study or not?

12 MEMBER LITTLE: We have a system impact study  
13 that -- for the -- for the AEPCO system according to  
14 Staff. And to my knowledge, that's all we have.

15 So we technically do have a system impact study.  
16 I do not believe that we have any confirmed information  
17 about a system impact study for the state system or  
18 regional systems.

19 MR. ACKEN: If I could address that.

20 CHMN STAFFORD: Yes, Mr. Acken.

21 MR. ACKEN: Those are, in my experience, done --  
22 a system impact study is done with the interconnecting  
23 entity. Here that's AEPCO. And so AEPCO performs the  
24 study.

25 And, quite frankly, the study here was the best

1 one I have seen, and that's why we thought the Staff  
2 letter was supportive. Sure it referenced the finding  
3 related to the AEPCO system, but then it did go on to say  
4 that in Staff's conclusion it did believe that it may  
5 improve the reliability of the system of the state.

6 In my experience, you didn't see system impact  
7 studies that strong. Usually they will say some sort of  
8 upgrades will be needed for the system, and that was not  
9 the case here.

10 So what was done here is typical as far as the  
11 system impact study. The results were ideal, if I may so  
12 characterize, and Staff supported that.

13 MEMBER LITTLE: I would agree with Mr. Acken. I  
14 have a little heartburn with the way that this particular  
15 finding of fact is worded, but it's consistent with the  
16 way they're all worded.

17 MEMBER GRINNELL: Mr. Chairman.

18 CHMN STAFFORD: Yes, Member Grinnell.

19 MEMBER GRINNELL: I don't want to belabor this  
20 point, but this probably goes to a little bit bigger  
21 issue. Are we approving stuff that theoretically has not  
22 been thoroughly completed?

23 MR. ACKEN: If I could address that. That may  
24 be a concern on other projects that don't have system  
25 impact studies. That's not -- I think the evidence in

1 this case is quite clear that you do have the evidentiary  
2 support for this finding.

3 You have a system impact study that concluded no  
4 additional upgrades were necessary to AEPCO's system.  
5 You have Staff's letter that says that this may improve  
6 the reliability of the system. And we also introduced  
7 the draft BTA, which said that all of the studies were  
8 done in accordance with their standards and that they did  
9 not have concerns.

10 So I understand the concern generally. This is  
11 not that case. You won't find a better case on  
12 reliability evidence than this one.

13 MEMBER HAMWAY: Mr. Chairman, I move condition  
14 of fact No. 3.

15 MEMBER LITTLE: I second it.

16 CHMN STAFFORD: All in favor?

17 (A chorus of "ayes.")

18 CHMN STAFFORD: Opposed?

19 (No response.)

20 CHMN STAFFORD: Hearing none, finding of facts  
21 and conclusions of law No. 3 is adopted.

22 Moving to 4.

23 MEMBER GRINNELL: I move condition law No. 4.

24 MEMBER FRENCH: Second.

25 CHMN STAFFORD: All in favor?

1 (A chorus of "ayes.")

2 CHMN STAFFORD: Opposed?

3 (No response.)

4 CHMN STAFFORD: Hearing none, conclusion of law  
5 finding of fact No. 4 is adopted.

6 No. 5.

7 MEMBER PALMER: I move finding No. 5.

8 MEMBER HAMWAY: Second.

9 CHMN STAFFORD: All in favor?

10 (A chorus of "ayes.")

11 CHMN STAFFORD: Opposed?

12 (No response.)

13 CHMN STAFFORD: Hearing none, 5 is adopted.

14 No. 6.

15 MEMBER FRENCH: Move finding 6.

16 MEMBER HAMWAY: Second.

17 CHMN STAFFORD: All in favor?

18 (A chorus of "ayes.")

19 CHMN STAFFORD: Opposed?

20 (No response.)

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

23 Finding No. 7.

24 MEMBER GENTLES: I move 7.

25 MEMBER MERCER: Second.

1 CHMN STAFFORD: All in favor?

2 (A chorus of "ayes.")

3 CHMN STAFFORD: Opposed?

4 (No response.)

5 CHMN STAFFORD: Finding No. 7 is adopted.

6 We've already decided the -- we've adopted  
7 Exhibit A already, or do we need to adopt that  
8 separately?

9 MEMBER HAMWAY: Yeah. So now what we do is we  
10 do a roll call vote adopting the whole CEC.

11 CHMN STAFFORD: Well, like, before that Exhibit  
12 A -- I mean, we showed it on the screen earlier, the  
13 picture that was Exhibit A of the -- the area, the  
14 impacted area. Do we need --

15 MEMBER PALMER: I'll move adoption of the  
16 Exhibit A.

17 MEMBER HAMWAY: Second.

18 CHMN STAFFORD: All in favor?

19 (A chorus of "ayes.")

20 CHMN STAFFORD: Opposed?

21 (No response.)

22 MEMBER HAMWAY: And, Mr. Chairman, before you  
23 take the roll call vote, I'd like to make a motion.

24 CHMN STAFFORD: Okay. Exhibit A is adopted.  
25 Yes, Member Hamway.



1 MEMBER HAMWAY: We've never done this before,  
2 but this is just a motion that I would like to make.

3 Because this particular application has -- we've  
4 changed condition No. 5. We've added 23 and 24. We've  
5 added a new conclusion and finding of fact. And because  
6 we don't have any ability to communicate directly with  
7 the ACC Staff, what I would like to do is make a motion  
8 that we put -- we flag this particular application, and  
9 we make sure it does not go just directly on a consent  
10 agenda.

11 I think that there's enough substantive changes  
12 in this that this should be heard as a regular agenda  
13 item for the Commission. So that's my motion that we put  
14 this -- we make a request not to just automatically put  
15 this on the consent agenda.

16 CHMN STAFFORD: So when we submit this to the  
17 Commission, we say in the cover letter pointing out the  
18 new conditions that were added and requesting that they  
19 add it to the regular agenda, not put it on the consent  
20 agenda?

21 MEMBER HAMWAY: You know, I don't know how to  
22 technically do that, and they certainly don't have to  
23 take our request, but I feel that because we no longer  
24 really have a conduit into the Corporation Commission,  
25 and the Staff is not aware of any of this discussion

1 we've had, nor would they, because this will go on a  
2 consent agenda that I think we're missing a connection  
3 here that needs to happen. So that's my point.

4 I don't know if this is the right way to do  
5 that, but this is one way to do that.

6 MEMBER PALMER: And I'll concur with Member  
7 Hamway. They don't have to take our advice. They can do  
8 whatever they want, but I think it's worth requesting  
9 that they make this an agenda item, and I would second  
10 her motion.

11 MEMBER GRINNELL: Mr. Chairman.

12 CHMN STAFFORD: Yes, Member Grinnell.

13 MEMBER GRINNELL: Can we include this as either  
14 a condition within the CEC or a finding of fact?

15 CHMN STAFFORD: I don't think we can include it  
16 as a condition because we didn't impose conditions on the  
17 Commission. And the Applicant has no control over how  
18 the Commission decides to hear this item.

19 So a condition is out.

20 My thought was that when it's submitted to the  
21 Commission, we include with it a recommendation pointing  
22 out the new conditions and recommending and highly -- and  
23 strongly suggesting that they hear the item in the normal  
24 agenda and not on a -- and not just vote it through on a  
25 consent agenda.

1 MEMBER LITTLE: Mr. Chairman.

2 CHMN STAFFORD: Yes, Member Little.

3 MEMBER LITTLE: I am very much in support of  
4 this. And I think that your suggestion that it be in the  
5 cover letter -- I think that that goes into the docket --  
6 just pointing out the reason why, as you have suggested,  
7 that there are several new conditions that we think that  
8 the Commission should be aware of and that it should be  
9 heard in that manner. Thank you.

10 MR. ACKEN: Mr. Chairman, can I be heard on  
11 this?

12 CHMN STAFFORD: Yes, Mr. Acken.

13 MR. ACKEN: I guess I would ask Member Hamway  
14 and the others that support this the objective for it.

15 I am loathe to ask the Commission to review more  
16 than is necessary for a variety of reasons.

17 My perspective is that the Commission, as a  
18 general rule, and particularly in the absence of a  
19 request for review, their role is to affirm the  
20 Committee's actions. And so I guess I'm curious as to  
21 what the objective of having the Commission vet this  
22 further would be given my great concerns of subjecting  
23 this to the Commission's review without their  
24 understanding of the record.

25 CHMN STAFFORD: Member Hamway.

1 MEMBER HAMWAY: Yes. I guess I just feel that  
2 we've made some substantive changes, and we have  
3 absolutely no input from Commission Staff. And that's  
4 where I feel that somebody needs to be made aware of the  
5 changes that we've made.

6 MR. ACKEN: Could that be addressed in a  
7 Commission Staff report as well?

8 MEMBER HAMWAY: Sure.

9 MR. ACKEN: Okay.

10 MEMBER HAMWAY: I just -- I feel, you know, that  
11 we all have a role to play on this Committee. And each  
12 one of us brings expertise. And we're missing that link  
13 to the ACC, to the Staff, to the technical Staff, and  
14 that's why I feel that -- and I may do this in the  
15 future. Whenever we have a new condition or we have  
16 things like a potential hydrogen plant in outside of an  
17 active management area, I think someone needs to be aware  
18 of this other than just getting stuck on a consent agenda  
19 and never be seen by anybody.

20 MR. ACKEN: I understand the concern. I would  
21 offer a friendly amendment to the extent you're willing  
22 to consider it that would do exactly that, which is  
23 request that it be on regular agenda or a Staff report  
24 summarizing the differences from the standard CEC  
25 conditions that the Staff would docket prior to the

1 Commission decision.

2 MEMBER LITTLE: I would be in favor of that.

3 MEMBER HAMWAY: I concur.

4 MEMBER PALMER: That's fine.

5 CHMN STAFFORD: We have an existing motion  
6 before us. Do we need to withdraw or amend that motion?

7 MEMBER FRENCH: Mr. Chairman, I have a quick  
8 question just to my ignorance of the ACC process. Who  
9 bears the responsibility of drafting this Staff letter  
10 that's mentioned?

11 CHMN STAFFORD: Well, I believe that we -- that  
12 my office would send the CEC to the Commission.

13 MEMBER HAMWAY: With the cover letter.

14 CHMN STAFFORD: With the cover letter.

15 MEMBER HAMWAY: Highlighting the differences.

16 MR. ACKEN: And Staff typically files forms of  
17 order, so ACC legal division. So they would typically  
18 file something after a CEC is docketed, in any event,  
19 that says, you know, to give the Commission three forms  
20 of order approve, modify or deny.

21 So my suggested revision would add, you know, an  
22 opportunity or a request for the utilities division to  
23 just do a short memo that basically would take what the  
24 Chairman has said and summarize here are the requested  
25 changes. So that would be docketed for the Commission's

1 review.

2 CHMN STAFFORD: Okay. Thank you.

3 MEMBER MERCER: Mr. Chairman, I have a question.

4 CHMN STAFFORD: Yes, Member Mercer.

5 MEMBER MERCER: So my understanding is that we  
6 are approving the original request; right?

7 CHMN STAFFORD: We haven't approved anything  
8 yet.

9 MEMBER MERCER: We're voting on it. If I  
10 remember reading the conditions, it says, "if a hydrogen  
11 project." It's my understanding that if that happens,  
12 that has to be approved or hear in the future if that's  
13 going to happen.

14 CHMN STAFFORD: No. The hydrogen facility is  
15 not within the jurisdiction of this Committee or the  
16 Commission.

17 MEMBER MERCER: Exactly. So why are we  
18 concerned with this possibility of a hydrogen facility in  
19 the future?

20 CHMN STAFFORD: Because if they do construct  
21 one, they will need these additional lines inside the  
22 substation that we're considering for approval today on  
23 that footprint of land where they would put the hydrogen  
24 facility that we don't have jurisdiction over.

25 We would have jurisdiction over those -- 230 kV

1 lines that would run between that and connect it to the  
2 other part in that facility. And then there would be  
3 additional tie-ins to the different hydrogen generators  
4 to create the hydrogen.

5 So there would be additional lines that would  
6 need to be constructed to facilitate that hydrogen  
7 facility operating. That's the additional thing that  
8 we're considering today and not the actual hydrogen  
9 facility itself. It's just the additional  
10 interconnections and lines that would be necessary for it  
11 to operate.

12 MEMBER MERCER: Okay. So if in the future  
13 there's a hydrogen facility application, wouldn't that  
14 have to be a separate issue?

15 CHMN STAFFORD: No. They will have to get a --  
16 my understanding is to do that they would need a special  
17 use permit from the county --

18 MEMBER MERCER: Okay.

19 CHMN STAFFORD: -- that would not be considered  
20 or heard by us.

21 I think what the point of this today was that  
22 they wanted -- they amended -- to amend this to include  
23 any additional lines that would be within our  
24 jurisdiction that would be necessary in case they do  
25 build that.

1           So instead of approving just the two switchyards  
2 and the line today itself and then making them come back  
3 to apply for another CEC for new lines that would be  
4 totally contained within the substation and facility area  
5 that's -- that this CEC would approve.

6           So it just -- if they do it, they don't have to  
7 come back and get another CEC for additional lines on  
8 their own property to connect this facility that we've  
9 approved lines coming in and out of.

10           MEMBER MERCER: Okay.

11           CHMN STAFFORD: Is that accurate, Mr. Acken?  
12 Did I sum that up correctly, or am I misunderstanding  
13 something?

14           MR. ACKEN: No. That was perfect. Thank you,  
15 Mr. Chairman.

16           MEMBER MERCER: Thank you.

17           MEMBER GRINNELL: Mr. Chairman.

18           CHMN STAFFORD: Yes, Member Grinnell.

19           MEMBER GRINNELL: It just dawned on me, if I'm  
20 not mistaken, we still have one seat available, and in  
21 this cover letter we would ask the Commission with -- I  
22 believe it's the Governor's appointment that is missing,  
23 we would ask the Commission to coordinate with Governor's  
24 office and have a member of the ACC Staff included back  
25 on this Committee, because I think that is a very



1 difficult part considering we're looking -- we have  
2 questions, and there's nobody here to really answer them.

3 CHMN STAFFORD: Well, my understanding is that  
4 the eleventh seat on the Committee is to be filled by the  
5 designee from the Governor's energy office that has been  
6 vacant because there was no energy office for at least  
7 the last decade I understand, but now that the Governor's  
8 being formed -- has created the office of --

9 MEMBER HAMWAY: Resiliency.

10 CHMN STAFFORD: -- resiliency, which is the  
11 functional equipment, which will have energy, land and  
12 water experts on it. Whoever runs that agency would be  
13 in charge of delegating who would sit on this Committee,  
14 and it would not be up to the Commission.

15 MEMBER GRINNELL: No. I said to request the  
16 Governor's office appoint somebody from the Commission  
17 inclusive of their -- whatever its energy department or  
18 whatever they are --

19 MEMBER HAMWAY: We have to work within -- we  
20 have to work within the scope of the statute, and the  
21 statute defines 11 members. And the one position that  
22 has not been filled is the one from the Governor's office  
23 for the -- you know, he had -- I don't remember what -- I  
24 don't remember what it was called. But the new governor,  
25 Governor Hobbs, has a new department, and they do want

1 representation on this Committee, but that doesn't change  
2 the fact that we still have no ability to -- to get input  
3 from the ACC Staff.

4 MEMBER GRINNELL: Can we ask the Corporation  
5 Commission, then, to have a Staff member available at all  
6 of our hearings to answer questions as a witness?

7 CHMN STAFFORD: Mr. Acken.

8 MR. ACKEN: I'll address that, because it comes  
9 up periodically. This Committee has seen ACC Staff  
10 intervene in some and not others. Some of them might,  
11 and most of them might not.

12 So ACC Staff makes their own determination of  
13 which cases to intervene based on their workload and what  
14 they envision how -- I do want to characterize this --  
15 the public interest in the matter.

16 So most of the cases, ACC Staff is not going to  
17 intervene as a matter of course. It's typically the ones  
18 that they view as more controversial that they will  
19 intervene. Certainly this Committee can ask, but I  
20 think, as this Committee knows, that Commission Staff  
21 will make their own determinations on which cases to  
22 intervene based on their workload and availability.

23 They do intervene -- they do participate both  
24 through the letter response to the Chairman asking for  
25 input on reliability. They always send a data request to

1 the Applicant that I receive, that we respond to so that  
2 they can provide the information to that letter on  
3 reliability. So they do participate in that way.

4 And then, again, they do -- ACC legal provides  
5 the forms of order for the Commission's final review.

6 But so that's the minimum level of  
7 participation. And then if they get more involved it's  
8 if they believe it's a controversial case.

9 MEMBER HAMWAY: Mr. Chairman --

10 MEMBER LITTLE: It's --

11 MEMBER HAMWAY: Oh, Toby, you go ahead.

12 CHMN STAFFORD: Member Little.

13 MEMBER LITTLE: I was just going to say that all  
14 those things are absolutely true. I think our concern is  
15 that there is -- there is nobody at the Commission who  
16 has been present during any -- during the hearing and the  
17 testimony who can then go back to the Commission and say,  
18 you know, there's some new things going on that they did  
19 hear, and we think that you should do this, that or the  
20 other thing.

21 You know, once that letter comes from Staff,  
22 there really is, you know, as far as the Staff is  
23 concerned except for legal working with the form -- the  
24 final form of the CEC -- or not the CEC, but the order,  
25 adopting the CEC, nobody over there knows anything that's

1 going on unless they read the whole transcript.

2 And if when we have somebody who is present on  
3 the Committee who either has the ear of the Chairman or  
4 is a representative of Staff -- and personally I prefer a  
5 representative of Staff in case we have questions, there  
6 have been times when I've had questions and there's  
7 nobody to ask who would know the answer to it.

8 And at this point, we have neither of those two  
9 things, and I think that's the point that we're trying to  
10 address here.

11 MR. ACKEN: And I certainly understand your  
12 frustration, and there have been plenty of times where I  
13 had wished that we had had a Staff representative to  
14 monitor and be a participant to participate.

15 What I will say is I do speak with Staff and  
16 legal between the time of the Committee decision before  
17 it gets to the Commission. Historically, it has been  
18 about the forms of order. What I have heard today is  
19 something that I will take back to them.

20 You know, the Chairman can put in his letter  
21 that he wants this to be -- he wants to make sure the  
22 Staff and Commissioners are aware. I can make them aware  
23 as well on my discussions with them.

24 That doesn't address your overall concern about  
25 having their participation in the proceeding, I

1 understand. But as far as to the extent changes are  
2 made, you know, I can make sure, the Chairman can make  
3 sure that that information is passed along. And then  
4 what Staff does with that, you know, they will make the  
5 decisions, as you well know.

6 CHMN STAFFORD: Yeah, I think we can certainly,  
7 you know, provide the information to the Commission, but  
8 we can't compel them, the Commissioners or Staff, to do  
9 anything. It's up to them to decide what action they  
10 will take.

11 So I think -- and I'm not -- I don't think it's  
12 worth it to try to ask them to get Staff to do a report.  
13 I think they have a pretty heavy workload. I think that  
14 that will probably cause more problems than it solves,  
15 but I think that certainly we can -- when we submit the  
16 CEC to them, we can certainly point out the change that  
17 we've made and suggest that they hear it on the regular  
18 agenda, not a consent.

19 And that's completely up to the Chair to whether  
20 it gets put on the consent agenda or not. And then  
21 typically, you know, other Commissioners, if they want to  
22 discuss an item that's on the consent agenda, they can  
23 ask that it be pulled, and typically Chair will grant it.

24 So I think that was the motion that we had  
25 before is to point out the --

1 MEMBER HAMWAY: Mr. Chairman, on that note --

2 CHMN STAFFORD: Yes, Member Hamway.

3 MEMBER HAMWAY: -- I'll withdrawal the motion  
4 and just accept in good faith the discussion between the  
5 attorney and Staff and yourself, and I'll withdrawal the  
6 motion.

7 CHMN STAFFORD: Thank you, Member Hamway. With  
8 that motion withdrawn I guess now we are ready to vote on  
9 the CEC.

10 Any further questions or comments before we call  
11 the roll?

12 MEMBER GENTLES: Mr. Chairman, before we do, did  
13 Mr. Palmer make his motion --

14 MEMBER PALMER: I will concur to withdraw.  
15 Yeah. I was the second, and I concur.

16 CHMN STAFFORD: Thank you. Thank you, Member  
17 Gentles.

18 MEMBER GENTLES: And, in addition, Mr. Chairman,  
19 did Mr. Palmer make his additional motion of scrivener  
20 errors?

21 MEMBER PALMER: If I didn't, I would do that  
22 now. So moved.

23 CHMN STAFFORD: So I would ask for a motion that  
24 the Committee to authorize myself, the Chair, to correct  
25 any scriveners errors in the final CEC.

1 MEMBER PALMER: So moved.

2 MEMBER GENTLES: I'll second that.

3 CHMN STAFFORD: All in favor?

4 (A chorus of "ayes.")

5 CHMN STAFFORD: Opposed?

6 (No response.)

7 CHMN STAFFORD: The motion's passed. That

8 was -- Member Gentles was the second on that one, I

9 believe. Thank you.

10 All right. We're now ready -- can I get a

11 motion to adopt the CEC as amended?

12 MEMBER PALMER: I would so move.

13 MEMBER DRAGO: Second.

14 CHMN STAFFORD: I'll call the roll.

15 Member Palmer.

16 MEMBER PALMER: I vote aye.

17 CHMN STAFFORD: Member Hamway.

18 MEMBER HAMWAY: Aye.

19 CHMN STAFFORD: Member French.

20 MEMBER FRENCH: Aye.

21 CHMN STAFFORD: Member Drago.

22 MEMBER DRAGO: I vote aye.

23 CHMN STAFFORD: Member Mercer.

24 MEMBER MERCER: I vote aye.

25 CHMN STAFFORD: Member Grinnell.

1 MEMBER GRINNELL: Thank you, Mr. Chairman. And  
2 I am going to explain my vote here.

3 CHMN STAFFORD: Go ahead.

4 MEMBER GRINNELL: I think this case has become a  
5 great example of some of the issues that we're going to  
6 be looking forward to over the next several years. And I  
7 appreciate the Applicant's inclusion in this discussion,  
8 because there are a multitude of factors that we are  
9 discussing and talking about.

10 But one of them is a simple point of these  
11 projects are not coming to us shovel ready. They're  
12 coming to us as part of a process in the application -- a  
13 process by the Applicant to begin this project or move  
14 this project forward, so we are sort of in the middle of  
15 the process.

16 What sometimes I think that we fail to  
17 understand, and this is just the experience I've learned,  
18 is that there's a much broader impact than just the  
19 immediate approval of one 230 kV interconnect. There's a  
20 lot more to these things. And I think with Ms. Hamway's  
21 point regarding the inclusion of the Corporation  
22 Commission Staff.

23 And here's something else, and I'm not trying to  
24 get carried away here, but we have seen so many of these  
25 new solar projects come across your table. We are going



1 to continue to see more and more.

2 I have to -- being somebody involved in the  
3 mining industry, I have to alert everybody we will not  
4 have enough critical minerals to support all this  
5 electrical energy over the next 10 years. There's  
6 already beginning to be a shortfall. And we're going to  
7 have all these projects up here being approved, utilizing  
8 benefits from taxpayer dollars by the president and the  
9 states to build all these things, and yet we may not even  
10 be able to support them.

11 And I think when we're looking at projects in  
12 the future, we have to look at these things in a little  
13 bit broader aspect, because we do have a responsibility  
14 to the ratepayers, we have a responsibility to the  
15 taxpayers, we have a responsibility to the applicants.

16 I think this Applicant is a very credible  
17 applicant and has been before us. This is not a personal  
18 issue. This is a broader discussion that I think needs  
19 to take place.

20 And I would -- I am going to support this  
21 project based on the history of the Applicant and the  
22 information. But I think as a Committee I think we need  
23 to look at this project from a -- well, future projects  
24 from a bigger perspective.

25 And I vote aye.

1 CHMN STAFFORD: Member Little.

2 MEMBER LITTLE: I also would like to comment a  
3 bit. I would like to thank the Applicant for their  
4 understanding and cooperation in helping us to deal with  
5 the issues that we're facing by virtue of the fact that  
6 we're getting these projects so early in the development  
7 phase.

8 There were a lot of things that were brought up  
9 in this application by outside agencies that -- that  
10 needed to be dealt with, many of them because of the  
11 fact that this is -- we're so early in the development of  
12 the project. And as Member Grinnell pointed out, this  
13 seems to be the case these days for whatever reason.

14 And as members of this Committee or as a member  
15 of this Committee, I personally feel that I -- it's  
16 important that I represent the public and assure myself  
17 that there are checks and balances that will be met and  
18 that they be included in the CEC. And I really do  
19 appreciate the cooperation and help.

20 And I agree I think this is a very good project.  
21 It's certainly -- the Applicant is certainly -- has shown  
22 themselves to be good neighbors in their public outreach.

23 And with that I vote aye.

24 CHMN STAFFORD: Member Gentles.

25 MEMBER GENTLES: Mr. Chairman, I'd like to

1 explain my vote as well.

2 I'd like to thank the Applicant. I thought this  
3 was a very interesting project even though it's  
4 relatively new for us in considering hydrogen. Well, we  
5 don't really consider it directly, but the end result is  
6 potentially some hydrogen plants.

7 I do like the fact that we're starting to see  
8 more alternative energy sources come before us. I hope  
9 at some point the Committee does have the ability to have  
10 some more jurisdiction in that regard. We talked about  
11 that before, seen a lot of solar, but we really don't  
12 have any jurisdiction over those facilities.

13 I also appreciate putting in some checks by  
14 Mr. French on the water issue, because we, of course,  
15 know that that's becoming an increasing issue.

16 And finally, I'd just like to commend  
17 BrightNight for their public outreach. I think it's  
18 extensive. I appreciate their approach. And with that I  
19 vote aye.

20 CHMN STAFFORD: I vote aye as well.

21 By a vote of nine ayes, zero nays, the CEC-215  
22 is approved.

23 I believe we have former Chairman Katz with us  
24 today in the Webex.

25 FORMER CHMN KATZ: Yeah. I don't know if you

1 want to stay on the order or go off. I don't think we  
2 need to be on the record for this, but I just wanted to  
3 say --

4 CHMN STAFFORD: Let us take a brief recess and  
5 go off the record for a brief period.

6 (Discussion held off the record at 11:05 a.m.)

7 MEMBER GENTLES: I'd like to go back on the  
8 record formally.

9 I'd just like to thank Chairman Katz for his  
10 leadership. And for me personally he certainly helped me  
11 understand this complicated process. And he took -- he  
12 was very patient and kind on his dealings with my  
13 questions sometimes. So for that, I appreciate that, and  
14 I just wish you Godspeed in your retirement, my friend.

15 FORMER CHMN KATZ: And if we're back on the  
16 record, I just want to express my thanks to all the  
17 Committee members. You're welcome to contact me.

18 Also, Mr. Acken, I would welcome you and all of  
19 the legal attorneys that regularly appear before this  
20 Committee to get me involved to whatever extent is  
21 necessary to work with the legislature, and hopefully we  
22 can get the exception for one mile and shorter lines.

23 I think there needs to be a couple of additional  
24 conditions that if that should pass that those lines be  
25 1,000 feet or 2,000 feet from any residence or school,

1 because -- and other environmental matters will be taken  
2 care of by either the special land use permit from the  
3 city or county, ADEQ, Department of Water Resources,  
4 et cetera.

5 So with that, I guess, I'll say goodbye unless  
6 any of you have anything you wanted to share with me  
7 before I sign off.

8 CHMN STAFFORD: I'd like to thank you for your  
9 service and chairing this Committee for the last 18 or so  
10 months, and I have some big shoes to fill, but I look  
11 forward to the task.

12 And I will be sure to reach out to you if I have  
13 any questions or need any help. And I appreciate that.  
14 Thank you.

15 FORMER CHMN KATZ: Thank you all.

16 MR. ACKEN: Thank you, Mr. Chairman. It's been  
17 a pleasure working with you for the past 18 months. You  
18 will be missed. But I do think in this first proceeding  
19 Chairman Stafford learned quickly and learned well. So  
20 thank you for assisting him as well.

21 FORMER CHMN KATZ: As they say in the movies,  
22 may the force be with all of you.

23 CHMN STAFFORD: Always.

24 FORMER CHMN KATZ: Goodbye.

25 CHMN STAFFORD: Thank you, Mr. Katz.

1 FORMER CHMN KATZ: Bye-bye.

2 CHMN STAFFORD: Well, that would seem to  
3 conclude our meeting.

4 Any comments or questions from the Committee?  
5 (No response.)

6 CHMN STAFFORD: Then we are adjourned.

7 MEMBER PALMER: I want to thank you,  
8 Mr. Chairman, for a great job on your first hearing. It  
9 was a pleasure.

10 CHMN STAFFORD: Thank you. Thank you.

11 MEMBER GRINNELL: Mr. Chairman, just real  
12 quick -- are we off the record now?

13 CHMN STAFFORD: Yes, we're off the record now.  
14 (The hearing concluded at 11:08 a.m.)

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF ARIZONA )  
 )  
2 COUNTY OF MARICOPA )

3 BE IT KNOWN that the foregoing proceedings were  
4 taken before me; that the foregoing pages are a full,  
5 true, and accurate record of the proceedings, all done to  
6 the best of my skill and ability; that the proceedings  
7 were taken down by me in shorthand and thereafter reduced  
8 to print under my direction.

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

12 I CERTIFY that I have complied with the ethical  
13 obligations set forth in ACJA 7-206(F)(3) and  
14 ACJA 7-206(J)(1)(g)(1) and (2).

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

16  
17  
18 

19 \_\_\_\_\_  
20 JENNIFER HONN, RPR  
21 Arizona Certified Reporter  
22 No. 50885

23 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has  
24 complied with the ethical obligations set forth in  
25 ACJA 7-206(J)(1)

26  
27  
28 

29 \_\_\_\_\_  
30 GLENNIE REPORTING SERVICES, LLC  
31 Arizona Registered Firm  
32 No. R1035