

1 BEFORE THE ARIZONA POWER PLANT LSC-234

2 AND TRANSMISSION LINE SITING COMMITTEE

3

4 IN THE MATTER OF THE APPLICATION) DOCKET NO.
 OF SALT RIVER PROJECT) L-00000B-22-0113-00204
 5 AGRICULTURAL IMPROVEMENT AND)
 POWER DISTRICT, IN CONFORMANCE) LS CASE NO. 204
 6 WITH THE REQUIREMENTS OF ARIZONA)
 REVISED STATUTES, SECTIONS)
 7 40-360, et seq., FOR A)
 CERTIFICATE OF ENVIRONMENTAL)
 8 COMPATIBILITY AUTHORIZING)
 PROJECT HUCKLEBERRY, AN)
 9 APPROXIMATELY HALF-MILE 230 KV)
 DOUBLE CIRCUIT TRANSMISSION LINE)
 10 AND ASSOCIATED INTERCONNECTION)
 FACILITIES WITHIN THE CITY OF) EVIDENTIARY HEARING
 11 MESA, MARICOPA COUNTY, ARIZONA.)
)

12

13 At: Mesa, Arizona

14 Date: June 28, 2022

15 Filed: July 1, 2022

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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VOLUME II
(Pages 124 through 168)

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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 Delta Hotels by Marriott, 200 North
5 Centennial Way, Mesa, Arizona, commencing at 9:42 a.m. on
6 the 28th day of June, 2022.

7

8 BEFORE: PAUL A. KATZ, Chairman

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

15

16 APPEARANCES:

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20

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21

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25

1 CHMN. KATZ: If we're ready to begin, Mr. Acken,
2 you may recall -- I think it's -- get started. We're
3 going to recall Mr. Woolfolk for just one or two
4 questions or a few questions regarding the Corporation
5 Commission's concern with respect to the possible power
6 load that might occur and whether or not we need to
7 consider adding a condition to the certificate of
8 environmental compliance.

9 Mr. Acken, the floor is yours.

10 MR. ACKEN: Good morning, Chairman, Members of
11 the Committee.

12 First of all, thank you for your flexibility
13 with my schedule. I hope it is a limited inconvenience
14 at most.

15 So there are a couple of items that we wanted to
16 clarify or just follow up with, I guess, is a better way
17 to describe it. As the Chairman indicated, one, I do
18 have some follow-up questions for Mr. Woolfolk regarding
19 questions that Member Little asked yesterday.

20 (Off the record for technical issue.)

21 MR. ACKEN: I just found out that they're on the
22 agenda item before mine, so I'm going to have to leave
23 presently, but we'll try to get through a little bit of
24 this at least.

25 CHMN. KATZ: Okay. Whatever.

1 MR. ACKEN: The first item I wanted to address
2 was actually regarding the public commenter yesterday
3 evening. Mark Freeman came here yesterday and provided
4 appropriate public comment as a citizen of Mesa. We
5 wanted to be clearly transparent with the Committee. He
6 is also a member of the Mesa City Council and a member of
7 the Association Council of SRP, which is not the
8 applicant here. This is the district is the applicant,
9 but he is on SRP's Association Council. He did not
10 appear here in an official capacity yesterday. I wanted
11 to make sure that was clear.

12 CHMN. KATZ: That was the Mesa City Council?

13 MR. ACKEN: Yes. Mesa City Council and member
14 of the Association Council of SRP.

15 And I understand that they're moving quickly to
16 21, so I will try -- let's see if we can get through this
17 additional testimony with Mr. Woolfolk, and then,
18 unfortunately, I'm going to have to ask a recess.

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1 KEVIN WOOLFOLK,
2 called as a witness on behalf of Applicant, having been
3 previously sworn by the Chairman to speak the truth and
4 nothing but the truth, was examined and testified as
5 follows:

6

7

DIRECT EXAMINATION

8 BY MR. ACKEN:

9 Q. So yesterday, Mr. Woolfolk, we discussed a
10 copy -- well, we discussed a letter from Staff that was
11 submitted to the Chairman after Staff reviewed Load
12 Impact Study and reliability studies provided by the
13 applicant. Do you recall that?

14 A. Yes, I do.

15 Q. And in that Staff letter, there's a reference to
16 potential power flow overloads and short-circuit issues.
17 Do you recall that discussion?

18 A. Yes.

19 Q. And you have reviewed the Staff letter?

20 A. I have.

21 Q. And do you have further thoughts to put that one
22 provision in the Staff letter in context?

23 A. Yes, I do. So SRP is constantly evaluating and
24 assessing for overload and short circuit issues as part
25 of our planning processes. For this project, the Load

1 Impact Study did identify power flow overloads and
2 short-circuit issues as stated in Staff's letter. But
3 these are addressed in multiple ways.

4 First, I'd like to go back to the proposed
5 schedule on Slide L14 and R14. These slides will explain
6 how the 69kV transmission lines mitigate overloads.

7 There we go. We can -- we can work with this.

8 So as you see on Slide L14 and R14, as we
9 discussed yesterday with the proposed schedule and
10 corresponding construction, we're planning to initially
11 loop in the customer with the 69kV line by December 2022
12 and then the additional 69kV lines out of Scott by 2023.
13 These two additions of the double-circuit 69kV lines
14 would mitigate overloads, and this would be all prior to
15 the 230kV infrastructure construction in 2024.

16 In addition, at least annually, we take an
17 updated load forecast, determine the generation needed to
18 serve that load, determine the distribution and
19 industrial customer infrastructure needed to service
20 these loads, then determine the transmission system needs
21 to reliably serve those distribution needs. Then we
22 define all infrastructure and associated capital expenses
23 associated with generation, transmission, and
24 distribution needs.

25 All of that information is included in the

1 rolling six-year capital plan, including projects funded
2 for risks and uncertainties. That annual cadence of work
3 ultimately is the primary input to our Ten-Year
4 Transmission Plan in addition to all the study work we do
5 in line with NERC transmission planning requirements.
6 It's normal utility business, and we do it very well,
7 which is why our reliability and customer service metrics
8 are the highest in the West and at times in the nation.

9 Q. So take a minute and describe how SRP addresses
10 reliability matters such as this.

11 A. Sure. So SRP performs three separate planning
12 functions to evaluate overloads and mitigation options,
13 the first being the Ten-Year Transmission Plan required
14 by the ACC. This will evaluate ongoing mitigation
15 options for system power flow issues identified.

16 Secondly, we follow the NERC standard TPL-1-4,
17 which requires power flow and fault current studies on an
18 annual basis.

19 And, lastly, we do an SRP internal six-year plan
20 to develop our capital.

21 Project Huckleberry will go into service in
22 2024, concurrent with the first Browning 500/230kV
23 transformer. The second transformer, which is the driver
24 for the fault current mitigation, is needed in 2027. The
25 need, timing, and scope of these mitigations are based on

1 a series of forecasts that may change over time.

2 It is not feasible for SRP to provide a final
3 mitigation study at the time of construction for Project
4 Huckleberry. Doing so would provide added and redundant
5 restraints on SRP's current planning processes.

6 Q. And to clarify the record, when will
7 construction commence for this project if a CEC is
8 granted?

9 A. April 2024.

10 Q. That's when construction will commence or be
11 completed?

12 A. Oh, be complete. Sorry. Commence would be as
13 early as September, no later than January of 2023.

14 Q. So as early as September of 2022?

15 A. Or 2022, sorry.

16 Q. Thank you.

17 And you discussed Browning. I think it might be
18 helpful to again show the map of the regional 230kV
19 system that reflects Browning and provide some context
20 there.

21 A. So we'll want to go to Slide R8.

22 As you can see on the map in R8, you can see our
23 proposed project. Browning is shown in the black square.

24 Q. And when you speak about mitigation plans in the
25 future, are they final or are they continually updated

1 based on your ongoing reliability assessments, the ones
2 you mentioned, your internal, your NERC, as well as the
3 ACC assessments?

4 A. Continually updated.

5 Q. And why is that?

6 A. Loads change all the time, so we're constantly
7 looking at current loads and forecasts loads and amending
8 our plan as needed.

9 Q. Thank you.

10 MR. ACKEN: Those are the additional questions I
11 had at this time. I'm sure -- open it up to the
12 Committee and Member Little, if you had additional
13 questions in light of that testimony.

14 MEMBER LITTLE: I do. I do. Thank you,
15 Mr. Chairman.

16 CHMN. KATZ: Please.

17 MEMBER LITTLE: Mr. Woolfolk, so you're saying
18 that when the load is connected into the 69kV system, you
19 don't anticipate any problems.

20 MR. WOOLFOLK: That's correct. When we first
21 construct the two first 69kV loads, that will mitigate
22 the overloading on the system.

23 MEMBER LITTLE: So the overloading exists before
24 you connect them up or -- I guess my question might
25 better be asked, what was provided to Staff that prompted

1 them to make that statement that the connection of this
2 project would possibly cause overload problems and
3 short-circuit problems?

4 MR. WOOLFOLK: I don't know, actually.

5 MEMBER LITTLE: My concern here is just that,
6 you know, we on the Committee don't see these studies.
7 We rely on Staff to provide us their interpretation and
8 opinion of their review of the studies that are provided
9 to them. And we were provided with a letter that said
10 that there are potential problems that SRP anticipates,
11 you know, dealing with. And I have no doubt that SRP
12 will -- I understand all of the things that you have
13 said, and I have no doubt that SRP will, on a continuing
14 basis, make whatever modifications are necessary to the
15 system to provide reliable service.

16 However, in my position on this Committee, I
17 feel that I need to -- you know, I need to address the --
18 what was provided to us by Staff.

19 MR. ACKEN: If I could address that question.

20 I think the issue is Staff -- that letter,
21 again, looks at a snapshot in time based on the
22 information available, and that changes.

23 MEMBER LITTLE: I understand that.

24 MR. ACKEN: And so making commitments about
25 infrastructure today could end up in a situation with an

1 overbuild of the system as some projects aren't
2 necessary.

3 And so I think I would ask that the Committee
4 and you take comfort in the fact that Staff said that the
5 project could improve reliability and safety and
6 delivery. That was their ultimate conclusion.

7 And Staff will be able to continually monitor
8 this as part of their Biennial Transmission Assessment.
9 SRP will manage it through their internal processes as
10 well as the NERC processes as well. So I would
11 respectfully submit that this Committee could take
12 comfort with the existing conditions in the CEC which
13 talk about compliance with all applicable federal, state,
14 and local laws, which include that Biennial Transmission
15 Assessment.

16 Understand that every year, SRP submits a
17 Ten-Year Plan to Staff. It's reviewed, evaluated, and
18 it's part of the BTA and those other proceedings that
19 will give you comfort that at the time -- if the time
20 comes that those are needed, SRP will certainly do so.
21 And they have a many, many decade track record of doing
22 what's necessary and appropriate for the reliability.

23 MEMBER LITTLE: I don't have any further
24 questions right now.

25 CHMN. KATZ: Are you still requesting that an

1 additional condition be added, or are you comfortable
2 with the explanation provided by Mr. Woolfolk?

3 MEMBER LITTLE: That's hard for me to answer. I
4 am comfortable with what -- the information that's been
5 provided as -- based on my knowledge of how utilities
6 operate and, in particular, SRP.

7 But I still feel that as a Committee, we need to
8 somehow consider that paragraph. So I guess the answer
9 to that question is I'm not sure. I would like to know
10 how the rest of the Committee feels, perhaps.

11 MR. ACKEN: And if I could add, we also have our
12 annual reporting obligations, annual compliance reporting
13 obligations. And so, to me, again, this would fit within
14 that category of compliance with all applicable laws and
15 things of that nature. So that could be a good way to
16 address it as well, absent another condition, just as a
17 suggestion.

18 MEMBER GRINNELL: Mr. Chairman.

19 CHMN. KATZ: Yes.

20 MEMBER GRINNELL: Counselor, would Ms. Little's
21 amendment impede this project in any way, shape, or form?

22 MR. ACKEN: Member Grinnell, I'm sorry, I'm
23 going to have to run right now.

24 I think the concern is we don't want our hands
25 tied on requirements that may not end up being necessary.

1 Mr. Woolfolk talked about what we know today is going to
2 be needed by the time this gets in service. But to the
3 extent that some of these ideas that are in the studies
4 and the Staff letter don't come to fruition because of
5 future plans changing, we don't want to be stuck where we
6 have to provide those.

7 So that language talks about a final plan. We
8 can't have a -- we would respectfully suggest that you
9 can't have a final plan for contingencies in the future
10 that may not occur. So that is our concern.

11 MEMBER LITTLE: I agree with that.

12 MR. ACKEN: Again, I apologize, but I do need to
13 step out.

14 CHMN. KATZ: That's fine. We'll take a recess.

15 (A recess was taken from 10:01 a.m. to
16 10:15 a.m.)

17 CHMN. KATZ: We'll proceed. I just have a
18 question, and I'm going to put Mr. Branum on the spot.
19 Are you familiar with -- and we're back on the record.
20 Are you familiar with the Staff letter that is in
21 evidence in these proceedings.

22 MEMBER BRANUM: Yes, Mr. Chairman, and I
23 actually had a few questions before the break.

24 CHMN. KATZ: Well, go ahead. If you have some
25 questions, go ahead. I just didn't know if you had any

1 insight in terms of whether that's something this
2 Committee should be looking at or for the Commission
3 utilities folks to deal with down the line.

4 MEMBER BRANUM: Yeah. So, certainly, I think
5 there -- as Mr. Acken said, there is a nexus to the
6 Commission's BTA.

7 And I don't want to speak for Member Little, but
8 I think the language that was circulated is really trying
9 to build the record and provide the Commission and Staff,
10 when it does its BTA, with the information that I think
11 makes Staff and the Commission feel comfort that the
12 existing and planned transmission system is being built
13 adequately. And that certainly is the question in the
14 context of BTA, is -- you know, the Arizona transmission
15 system, in its current shape and condition and the plans
16 for it, is it going to be adequate to serve customers.

17 So with all of that being said, the question I
18 had -- and I understand SRP's, I think, hesitation to,
19 you know, really be on the hook for a condition that, you
20 know, forces a filing requirement where, you know, I
21 think, as Mr. Acken stated, the transmission system is
22 dynamic. This is certainly a snapshot in time, and I
23 understand that.

24 But my question, I think, really is, you know,
25 the Staff letter states that SRP is evaluating options.

1 And, you know, the testimony that I just heard this
2 morning, it sounded like there was a great explanation of
3 the process SRP employs in transmission planning. But I
4 did not really hear specifics on what those options are
5 that the Staff referenced in the letter.

6 If it's just the addition of the 69kV lines, so
7 be it, but I wanted confirmation there. And I guess the
8 question is, can you walk through what those options are?
9 And if you can, I think I'd be in a better position to
10 weigh in on this language for this additional condition.
11 Thank you.

12 CHMN. KATZ: Thanks.

13 Q. BY MR. ACKEN: Mr. Woolfolk, can you address his
14 comments and questions.

15 A. Yes.

16 So by adding the first 69kV, that would be one
17 of our first mitigation strategies for the overload.

18 But by, secondly, that connecting the second
19 transmission line from Scott truly would mitigate the
20 overload issues at Browning, the 230/69 transmission at
21 Browning.

22 And then, additionally, by constructing the
23 230kV line, that would further alleviate any overloading
24 issues on the 69kV system, but it also, of course,
25 requires the need for the additional transformer at

1 Browning in 2024.

2 And then we plan to add an additional
3 transformer at Browning, as I stated, in 2027. That
4 triggers some fault current or short circuit. And so the
5 mitigations we would look at specifically to eliminate
6 any fault current would be breaker upgrades, splitting
7 the stations, dividing up the 69kV system. We could add
8 reactors and further equipment or transformers on the
9 system to mitigate any fault current.

10 MEMBER BRANUM: Thank you.

11 I think that's helpful from my perspective that
12 you walk through the options.

13 Now, that's all subject to change, of course,
14 because the transmission system will certainly evolve
15 from this point that you've done your study to the
16 inservice date of the project. So I think that, you
17 know, puts it into the record for the Commissioners and
18 Staff, hopefully.

19 One of the questions I did have for Mr. Acken,
20 though, I think this was in response to Member Little's
21 question about filing a plan or an update.

22 If there are not mitigation measures needed once
23 the project is operational, could your filing simply
24 state that?

25 MR. ACKEN: The short answer is yes.

1 MEMBER BRANUM: Thank you.

2 MEMBER LITTLE: Mr. Chairman.

3 CHMN. KATZ: Yes, Member Little.

4 MEMBER LITTLE: I actually appreciate the fact
5 that we had a short recess there so we could think about
6 the information we received this morning. And that,
7 combined with the clarification that was a response to
8 Member Branum's questions, I feel comfortable withdrawing
9 my proposed condition.

10 CHMN. KATZ: Thank you.

11 And when we get through the conditions, if any
12 member of our Committee feels otherwise, you can make a
13 motion to add an additional condition. But I don't think
14 it's necessary, and the Commission letter just raised the
15 potential future problem of system overload but didn't
16 ask us specifically to include a condition in the CEC
17 should one be issued.

18 You can proceed, Mr. Acken.

19 MR. ACKEN: Thank you, Chairman. I believe that
20 concludes all the testimony we planned to present. I
21 would welcome questions from the Committee if there's
22 anything on your mind. Otherwise, I can provide a brief
23 closing.

24 CHMN. KATZ: Anyone on the Committee, either
25 virtual or in person, have any follow-up concerns or

1 questions?

2 If not, we will go forward with a closing
3 argument, and then we will review the CEC. And we'll
4 withhold our votes in terms of approving or disapproving
5 the entire document until we have, unfortunately, a
6 belated 5:30 this evening public session this evening,
7 which I'm anticipating will have little to no
8 participation, but I want us to be on the safe side.

9 You may proceed with your closing.

10 MR. ACKEN: Thank you, Mr. Chairman, and thank
11 you, Committee, for your accommodation of the schedule
12 this evening. We agree and wholeheartedly support that
13 approach.

14 We think this is a great project and hope you
15 agree. SRP is committed to siting projects thoughtfully,
16 compatibly with surrounding areas and with the highest
17 standards of public outreach. And this project
18 demonstrates that approach.

19 The project is a result of customer request.
20 SRP has an obligation to serve and is excited to do so
21 for the Meta Data Center, which, as you heard, will
22 create 200 permanent jobs and 10 times that number of
23 construction jobs.

24 Meta also owns the land on which the substation
25 will be built.

1 The transmission line follows linear features.
2 You've heard myself and others and other applicants talk
3 about the benefits of following linear features for
4 transmission infrastructure. It does so on State land,
5 and SRP has worked with State Land to acquire their
6 right-of-way necessary for the project.

7 SRP engaged in a comprehensive public outreach
8 program, multiple mailers, emails, and a social media
9 campaign to reach thousands of customers and other
10 stakeholders. We submit the effectiveness of that
11 outreach is clear. Hundreds clicked on the social media
12 ads and visited the website to obtain more information,
13 which I think is pretty impressive in it's own right. I
14 don't know about any of you, but I don't typically click
15 on the ads that come across my Twitter feed, but hundreds
16 did.

17 Attendees at the three open houses also had the
18 opportunity to have their questions addressed. And what
19 we heard is that nearby residents understand the need for
20 the project, the infrastructure to serve Meta's new data
21 center.

22 So we thank you for your attention and
23 consideration and some of the nuances with my schedule
24 and the public comment. We thank you for your patience
25 and respectfully request your approval of the CEC for

1 this project.

2 Thank you.

3 CHMN. KATZ: Thanks.

4 If we are ready, we'll put up on our left
5 screen, not that it's any different, but it's not subject
6 to be tinkered with, the PDF version of the CEC that was
7 originally drafted by Mr. Acken's firm and was edited by
8 Tod Brewer and myself. And we'll put the PDF one there.
9 I don't even care if we go page by page on that. That
10 will just be marked as Chair Exhibit No. 1, and we'll
11 make sure that our court reporter gets a copy of that to
12 include in the record.

13 On the right screen, we should be projecting the
14 Word version, which we will be working from. We can
15 just -- I didn't even know if it was important to post
16 the Chair-1 on the left, but we'll keep it up there. I
17 don't think we'll need to scroll through it. And on the
18 right screen will be the Word version. And what we will
19 do is go through that one line or one section at a time.

20 And I'm assuming --

21 MEMBER GRINNELL: Mr. Chairman.

22 CHMN. KATZ: Yes.

23 MEMBER GRINNELL: Mr. Chairman, I just would
24 like to confirm that by doing this, we are not going to
25 be violating any due process issue until -- I'm not sure

1 if the public hearing that we had last night is adequate.
2 And if it is, great. Otherwise, if we're going to invite
3 additional public hearing -- I just want to make sure
4 that we're legally -- going to be in legal standing,
5 proper standing. If you can confirm that --

6 CHMN. KATZ: I understand. I've been practicing
7 law for, I think, 45 years, maybe a couple longer than
8 that.

9 MEMBER GRINNELL: Yes, sir.

10 CHMN. KATZ: I was a Superior Court judge for 21
11 of those years, and I'm in our Attorney General's Office
12 now doing civil work. I don't think there's a problem.

13 MEMBER GRINNELL: Okay.

14 CHMN. KATZ: Because if they have some other
15 suggestion, we could always add a condition if we had to.
16 But at this point in time, normally, the comments are
17 either pro or con and don't give us information that
18 would require us to -- most of the -- all of the
19 conditions we're going to adopt today, if we adopt them,
20 are standard. And our Findings of Fact and Conclusions
21 of Law are standard.

22 If there's opposition to the project, that will
23 be duly noted on the record. But we're going to hold off
24 our vote until after we hear from that additional public
25 comment. And then, if there's some reason for us to not

1 approve the matter or to further amend the CEC
2 documentation, we can always do that.

3 MEMBER GRINNELL: Thank you.

4 CHMN. KATZ: So I don't think we're denying
5 anybody the right. And the public has the right, right
6 now, to be virtually monitoring these proceedings. So if
7 anything we've done yesterday or today concerns a member
8 of the public, they have the ability to view it online,
9 and they have the ability to be here this evening, and
10 I'm comfortable in going forward.

11 MEMBER GRINNELL: Thank you, sir. I trust your
12 judgment. I just wanted to make sure, confirm.

13 CHMN. KATZ: And occasionally, 1 or 2 percent of
14 the time, I got reversed on appeal. And the Court of
15 Appeals always manage to publish your reversals, but they
16 never publish all of your 99 percent of the affirmances.

17 But that all being said, I feel very
18 comfortable, unless some other members of the Committee
19 want us to delay reviewing this until this evening or
20 tomorrow morning.

21 (No response.)

22 CHMN. KATZ: Hearing silence, let's go ahead and
23 review it. And I'll need whoever is controlling that
24 to screen up. I don't have a hard copy of it in front of
25 me. The page numbers get screwed up anyhow. So let's

1 get going.

2 Right now, we have the introduction, which is on
3 page 1, beginning at line number it looks like about
4 11 1/2 or 12. And then we can keep scrolling down past
5 line No. 21.

6 And it shows that Mr. Branum and myself are
7 present. And then we can go on now to page 2. Line 1,
8 Mr. Drago is present. Mr. French is present.
9 Member Hamway is present. Mr. Grinnell is present.
10 Mr. Palmer is present. Mr. Haenichen is present.

11 The only member that we need to strike would be
12 on line 11 of page 2, which is Karl Gentles has not
13 appeared in these proceedings, so we will need to strike
14 him from this.

15 And I would ask, then, if there is any motion
16 that might approve page 1, line No. 12, through page 2 to
17 or through line 11.

18 MEMBER PALMER: I would so move, Mr. Chairman.

19 MEMBER HAENICHEN: Second.

20 CHMN. KATZ: All in favor?

21 (A chorus of "ayes.")

22 CHMN. KATZ: Anyone opposed?

23 (No response.)

24 CHMN. KATZ: I didn't ask for discussion, but I
25 didn't think there would be any.

1 Picking up on line 13, let's bring that up to
2 the top there.

3 The applicant was represented by Mr. Acken
4 pursuant -- well-- and we can strike "The following
5 parties were granted intervention." That can come out.
6 There was no intervention.

7 And what's the next section -- where we vote --
8 it's not where we vote or is it?

9 MEMBER HAMWAY: Yeah.

10 CHMN. KATZ: Going back up on that page, we're
11 looking at approving, then, on page 2, lines 13 and 14.

12 Any motion?

13 MEMBER HAMWAY: So moved.

14 CHMN. KATZ: Second?

15 MEMBER DRAGO: Second.

16 CHMN. KATZ: All in favor?

17 (A chorus of "ayes.")

18 CHMN. KATZ: Anyone opposed?

19 (No response.)

20 CHMN. KATZ: The next section -- and come back
21 to it at the end of the proceeding.

22 And now we're on Section B, Project Overview.
23 And that begins on page 2, line 23 through line 26, and
24 continues onto page 3 through line No. 5.

25 Do we have a motion to approve that section?

1 MEMBER HAMWAY: So moved.

2 MEMBER PALMER: Second.

3 CHMN. KATZ: All in favor?

4 (A chorus of "ayes.")

5 CHMN. KATZ: Anyone opposed?

6 (No response.)

7 CHMN. KATZ: Now we're going to Condition No. 1.

8 And take a look at it on line No. 8 through line No. 12.

9 Take your time to read it. And when you're comfortable,
10 we can move to approve it.

11 MEMBER HAMWAY: I move Condition 1.

12 MEMBER HAENICHEN: Second.

13 CHMN. KATZ: All in favor?

14 (A chorus of "ayes.")

15 CHMN. KATZ: All opposed?

16 (No response.)

17 CHMN. KATZ: We'll move on to Condition 2.

18 And I haven't been asking for discussion because
19 these are pretty much standard conditions. But if
20 there's a need to discuss when I call for the vote, you
21 can indicate that you have a comment or would like to
22 discuss the matter.

23 But Condition No. 2 is on -- we are still on
24 page 2, line 14 through line 24.

25 MEMBER HAENICHEN: I move 2.

1 MEMBER HAMWAY: Second.

2 CHMN. KATZ: All in favor?

3 (A chorus of "ayes.")

4 CHMN. KATZ: Anyone opposed?

5 (No response.)

6 CHMN. KATZ: No one's opposed. It's approved,
7 and we can move up to the next section.

8 That was page 3. Now we're on page 4 at line 1
9 through -- and keep scrolling. We can leave it up there
10 for a second or so, but then we need to scroll down
11 further to see where this section ends. And that's on
12 page -- on line 14.

13 MEMBER PALMER: I move Condition 3.

14 MEMBER FRENCH: Second.

15 CHMN. KATZ: All in favor?

16 (A chorus of "ayes.")

17 CHMN. KATZ: Anyone opposed?

18 (No response.)

19 CHMN. KATZ: Moving on to Condition 4. And I
20 believe this is page 4, correct?

21 Looking at lines No. 15 through No. 18 is
22 Condition No. 4.

23 MEMBER HAMWAY: I move Condition 4.

24 MEMBER HAENICHEN: Second.

25 CHMN. KATZ: All in favor?

1 (A chorus of "ayes.")

2 CHMN. KATZ: Anyone opposed?

3 (No response.)

4 CHMN. KATZ: Condition 5 is on that same page,
5 line 19 through 22.

6 MEMBER HAMWAY: I move Condition 5.

7 MEMBER PALMER: Second.

8 CHMN. KATZ: All in favor?

9 (A chorus of "ayes.")

10 CHMN. KATZ: We're at the bottom now of page 4,
11 line 24 through line 26, Condition 6, and it moves on to
12 page 5.

13 MEMBER HAMWAY: I move Condition 6.

14 MEMBER PALMER: Second.

15 CHMN. KATZ: All in favor?

16 (A chorus of "ayes.")

17 CHMN. KATZ: Anyone opposed?

18 (No response.)

19 CHMN. KATZ: We'll move to Condition 7, lines 4
20 through 10.

21 MEMBER HAENICHEN: I move 7 as written.

22 MEMBER HAMWAY: Second.

23 CHMN. KATZ: All in favor?

24 (A chorus of "ayes.")

25 CHMN. KATZ: We're now moving to lines 12

1 through 14, Condition 8.

2 MEMBER PALMER: I move Condition 8.

3 MEMBER HAMWAY: Second.

4 CHMN. KATZ: All in favor?

5 (A chorus of "ayes.")

6 CHMN. KATZ: Condition No. 9 begins at line 16
7 on page 5 and runs through line 26, and I think it goes
8 on to the next page as well.

9 MEMBER HAMWAY: I move Condition 9.

10 MEMBER PALMER: Second.

11 CHMN. KATZ: All in favor?

12 (A chorus of "ayes.")

13 CHMN. KATZ: Anyone opposed?

14 (No response.)

15 CHMN. KATZ: We can then go on to Condition
16 No. 10, which is on page No. 6, lines 4 through 8.

17 MEMBER HAENICHEN: I move 10.

18 MEMBER HAMWAY: Second.

19 CHMN. KATZ: All in favor?

20 (A chorus of "ayes.")

21 CHMN. KATZ: Anyone opposed?

22 (No response.)

23 CHMN. KATZ: Condition 11, lines 9 through --
24 and it keeps going through line 20.

25 MEMBER HAMWAY: I move 11.

1 MEMBER PALMER: Second.

2 CHMN. KATZ: All in favor?

3 (A chorus of "ayes.")

4 CHMN. KATZ: And we move down to Condition 12 at
5 the bottom of page 6, lines 21 through 26. And then it
6 goes through line 4 on the next page.

7 MEMBER HAMWAY: I move Condition 12.

8 CHMN. KATZ: All in favor?

9 (A chorus of "ayes.")

10 MEMBER PALMER: You need a second. I'll second
11 it.

12 CHMN. KATZ: It's been seconded.

13 All in favor.

14 (A chorus of "ayes.")

15 CHMN. KATZ: Anyone opposed?

16 (No response.)

17 CHMN. KATZ: We're now on page -- I think it's
18 page 7, lines -- Condition No. 13.

19 MEMBER HAENICHEN: I move 13.

20 MEMBER HAMWAY: Second.

21 CHMN. KATZ: All in favor?

22 (A chorus of "ayes.")

23 CHMN. KATZ: Go to Condition No. 15 on the same
24 page, lines 12 through 16.

25 MEMBER HAMWAY: I move Condition 15.

1 MEMBER PALMER: I think it's 14.

2 MEMBER HAMWAY: 14.

3 CHMN. KATZ: Oh, it's 14. My apologies. That's
4 lines 3 through 11. I thought we approved that.

5 MEMBER HAENICHEN: Second.

6 CHMN. KATZ: All in favor?

7 (A chorus of "ayes.")

8 CHMN. KATZ: Any opposed?

9 (No response.)

10 CHMN. KATZ: Moving on to Condition 15 on that
11 same page, lines 12 through 16.

12 MEMBER HAMWAY: I move 15.

13 CHMN. KATZ: Is there a second?

14 MEMBER PALMER: Second.

15 CHMN. KATZ: All in favor?

16 (A chorus of "ayes.")

17 CHMN. KATZ: Lines 17 through 19 is Condition 16
18 on page 7.

19 MEMBER PALMER: I move Condition 16.

20 MEMBER DRAGO: Second.

21 CHMN. KATZ: All in favor?

22 (A chorus of "ayes.")

23 CHMN. KATZ: Anyone opposed?

24 (No response.)

25 CHMN. KATZ: Condition 17 begins on page 7 of

1 line 20 and then moves through the following page 8, line
2 14.

3 MEMBER HAMWAY: I move Condition 17.

4 MEMBER HAENICHEN: Second.

5 CHMN. KATZ: All in favor?

6 (A chorus of "ayes.")

7 CHMN. KATZ: Anyone opposed?

8 (No response.)

9 CHMN. KATZ: And we're on multiple pages. If
10 you need us to scroll back to review anything, please
11 don't hesitate to speak up.

12 Condition 18 on the same page, lines 15 through
13 25. Condition 18.

14 MEMBER HAENICHEN: I'll move 18.

15 MEMBER HAMWAY: Second.

16 CHMN. KATZ: All in favor?

17 (A chorus of "ayes.")

18 CHMN. KATZ: Anyone opposed?

19 (No response.)

20 CHMN. KATZ: Moving on to the following page and
21 Condition No. 19, lines 1 and 2.

22 MEMBER PALMER: I'll move Condition 19.

23 MEMBER HAMWAY: Second.

24 CHMN. KATZ: All in favor?

25 (A chorus of "ayes.")

1 CHMN. KATZ: Anyone opposed?

2 (No response.)

3 CHMN. KATZ: Condition 20, lines 3 through 6.

4 MEMBER HAENICHEN: Mr. Chairman, could I go back
5 to 19 a minute?

6 CHMN. KATZ: Yes, we'll go back to 19.

7 MEMBER HAENICHEN: Why did they scratch out the
8 City of Mesa?

9 MEMBER HAMWAY: They didn't.

10 MEMBER HAENICHEN: Oh, I'm --

11 CHMN. KATZ: It's not crossed out. The case
12 number reference, 201, as modified, is stricken.

13 MEMBER HAENICHEN: Thank you.

14 CHMN. KATZ: Condition 20 we're now looking at,
15 which is regarding the transfer of assignment.

16 MEMBER PALMER: I move Condition 20.

17 MEMBER DRAGO: Second.

18 CHMN. KATZ: All in favor?

19 (A chorus of "ayes.")

20 CHMN. KATZ: Moving to Condition 21 on the same
21 page, lines 7 through 10.

22 MEMBER HAMWAY: I move 21.

23 CHMN. KATZ: Any second?

24 MEMBER PALMER: Second.

25 CHMN. KATZ: All in favor?

1 (A chorus of "ayes.")

2 CHMN. KATZ: Anybody opposed?

3 (No response.)

4 CHMN. KATZ: Condition 22, which is our last
5 condition before we go to our Findings of Fact. And it's
6 at lines 11 through 19.

7 MEMBER LITTLE: Move Condition 22.

8 CHMN. KATZ: Second?

9 MEMBER HAMWAY: Second.

10 CHMN. KATZ: All in favor?

11 (A chorus of "ayes.")

12 CHMN. KATZ: Now we go to our Findings of Fact
13 and Conclusions of Law on page 9.

14 The first one is the line -- the introduction is
15 at line 21, and the actual finding is at lines 22 and 23.

16 MEMBER HAMWAY: I move Findings of Fact and
17 Conclusions of Law, No. 1.

18 MEMBER HAENICHEN: Second.

19 CHMN. KATZ: All in favor?

20 (A chorus of "ayes.")

21 CHMN. KATZ: Condition No. 2 is on page 9.

22 MEMBER PALMER: I move Finding of Fact and
23 Conclusion of Law 2.

24 MEMBER HAMWAY: Second.

25 CHMN. KATZ: All in favor?

1 (A chorus of "ayes.")

2 CHMN. KATZ: Anybody opposed?

3 (No response.)

4 CHMN. KATZ: We'll now move to Condition No. --

5 I mean Finding No. 3, which is lines 1 through 5. No,

6 Conditions 1 -- lines 1 through 2, 1 and 2.

7 MEMBER PALMER: I move Finding 3.

8 MEMBER HAMWAY: Second.

9 CHMN. KATZ: All in favor?

10 (A chorus of "ayes.")

11 CHMN. KATZ: Finding No. 4, lines 3 through 5.

12 MEMBER HAMWAY: I move Findings No. 4.

13 MEMBER HAENICHEN: Second.

14 CHMN. KATZ: All in favor?

15 (A chorus of "ayes.")

16 CHMN. KATZ: Our final Finding of Fact and

17 Conclusions of Law, Finding No. 10. Excuse me, Finding

18 No. 6 at line 10.

19 MEMBER HAMWAY: But we haven't --

20 MEMBER PALMER: We're on 5.

21 CHMN. KATZ: I apologize. Condition No. 5,

22 which is lines 6 through 9.

23 MEMBER HAMWAY: I move Conclusion No. 5.

24 MEMBER PALMER: Second.

25 CHMN. KATZ: All in favor?

1 (A chorus of "ayes.")

2 CHMN. KATZ: Anyone opposed?

3 (No response.)

4 CHMN. KATZ: Condition -- or final Finding of
5 Fact and Conclusion of Law, lines 10 through 12. Please
6 read it and let me know when you're ready to vote.

7 MEMBER PALMER: I move Finding of Fact and
8 Conclusion of Law No. 6.

9 MEMBER HAMWAY: Second.

10 CHMN. KATZ: All in favor?

11 (A chorus of "ayes.")

12 CHMN. KATZ: Any opposed?

13 (No response.)

14 CHMN. KATZ: What we're going to do is I'm going
15 to do one other thing. Member Haenichen, the senior
16 member of our Committee, has a long drive back up to
17 Heber and doesn't want to drive in the dark, and he has
18 some health conditions that we're concerned about and
19 want to make sure he gets home safely.

20 I'm going to ask him now whether or not he would
21 vote to approve the CEC as it is currently written. And
22 he's the only one going to vote now. The rest of us will
23 vote later.

24 If a public comment should come in that causes
25 us concern, we will reach Mr. Haenichen on his phone, let

1 him know what that new concern is, let him know whether
2 or not we are considering adding a condition or not, and
3 asking him whether his vote has changed. But I want to
4 make sure he makes it home safely, and there's no need
5 for him to spend the night here.

6 So is there anybody opposed to allowing him to
7 voice his vote now? The rest of us will wait until 5:30
8 this evening when our final public comments are allowed.

9 And in light of the correction of the original
10 error on one of the postcards and signs, I think we'll
11 probably have little to no participation this evening.
12 But I don't want to take a chance that one or two or five
13 people will call in with suggested changes or opposition
14 to the project.

15 So is there any objection from any of our
16 Committee members to allowing Mr. Haenichen to cast his
17 vote at this time?

18 (No response.)

19 CHMN. KATZ: Hearing no objection,
20 Mr. Haenichen, we've reviewed this entire certificate of
21 compliance and approved its conditions and its Findings
22 of Fact and Conclusions of Law.

23 Would you vote to approve this CEC or would your
24 vote be nay or no?

25 MEMBER HAENICHEN: Thank you, Mr. Chairman.

1 I approve of the application and conditions.

2 CHMN. KATZ: The CEC certificate as written?

3 MEMBER HAENICHEN: Yes.

4 CHMN. KATZ: Thank you very much.

5 If there's nothing else for us to do, we'll
6 recess till 5:30. I may head home for an hour or two,
7 but I should be back here by about 4:30 this afternoon.

8 Is there any reason that you need all of the
9 Committee members to stay here? And I think some of the
10 members for the final vote may choose to appear
11 virtually. But if you're going to do that, please let
12 staff know that so that you make sure you have the right
13 link and don't log in on the comment link.

14 And for those of you who are already on
15 virtually, you would be on the same link this afternoon
16 as you're on right now.

17 But I thank everybody for their patience. I'm
18 happy that we'll finish this, even though it's late in
19 the day today rather than going tomorrow.

20 Any comments from the Committee members?

21 (No response.)

22 CHMN. KATZ: Mr. Acken, any concerns from you or
23 Attorney Gilbert?

24 MR. ACKEN: Thank you, Mr. Chairman. No
25 concerns.

1 And at the risk of sounding like a broken
2 record, I really want to thank the Committee for your
3 patience and your consideration and sticking around for
4 the vote tonight. I agree with everything the Chairman
5 has said about the appropriateness of allowing for
6 additional public comment if it should come. Thank you.

7 CHMN. KATZ: All right. We are in recess till
8 5:30. So go out shopping, take a nap, have lunch, but
9 we'll see you all back here. And I appreciate your help.

10 (A recess was taken from 10:46 a.m. to
11 5:40 p.m.)

12 CHMN. KATZ: We can go on the record. It is now
13 5:40 p.m. We've been assembled since 5:30, which was the
14 time set in the mistaken notice that said the 27th of
15 June, but it said Tuesday at 5:30. We had one member of
16 the public show up yesterday, Monday, on the 27th.

17 No one is here right now virtually from the
18 general public, and no one is here at all in person.

19 In the room is Member Jim Palmer, Member David
20 French, and myself.

21 And we have Mr. Grinnell or Grinnell,
22 Member Little, Member Branum and Member Hamway and
23 Member Drago on virtually.

24 And we're going to, in one moment or two, vote.

25 We do have the vote from Jack Haenichen already

1 approving the CEC as written.

2 I'm going to make one technical change, and I
3 don't think we need to get Jack on the record. I'm
4 looking at page 1, lines 16 through 20 -- or is it page
5 2, I guess. Are we on page 2? Yes. Page 2, lines 16
6 through 21, I noticed it says: "At the conclusion of the
7 hearing, the Committee, after considering the
8 Application, evidence, testimony, and exhibits presented
9 by Applicant and interveners."

10 We need to strike "and interveners." And I
11 don't think it comes up anywhere else in the paragraph.
12 But this is the paragraph that has us voting on whether
13 or not all of the legal requirements of A.R.S. Section
14 40-360 through 40-360.13 have been complied with. And we
15 just need somebody now to make a motion for us to approve
16 and issue the CEC.

17 MEMBER PALMER: Mr. Chairman, I would so move
18 that we take a vote and approve the CEC.

19 CHMN. KATZ: Do we have a second?

20 MEMBER GRINNELL: Second.

21 CHMN. KATZ: Rick Grinnell seconded that.

22 And I'm going to do a roll call vote. And I
23 just have a list from who was here at the beginning.

24 Member French, how do you vote?

25 MEMBER FRENCH: I vote aye.

1 CHMN. KATZ: Mr. Drago, how do you vote?

2 MEMBER DRAGO: I vote aye.

3 CHMN. KATZ: Mr. Palmer.

4 MEMBER PALMER: I'd like to take just one moment
5 and thank the applicant, counsel, and the witnesses for a
6 very well prepared, very concise presentation on what I
7 think to be a good project, very noncontroversial, and
8 will serve its purpose very well.

9 And with that, I vote aye.

10 CHMN. KATZ: And Jack Haenichen voted aye
11 earlier, and we haven't made any substantive change.

12 Member Hamway, how do you vote?

13 MEMBER HAMWAY: I vote aye.

14 CHMN. KATZ: Mr. Branum, how do you vote?

15 MEMBER BRANUM: I vote aye. Thank you.

16 CHMN. KATZ: Mr. Grinnell.

17 MEMBER GRINNELL: I vote aye, and I would like
18 to thank all the members -- the people that do all this
19 computer stuff. I liked your jazz. Thank you.

20 I vote aye.

21 CHMN. KATZ: And I think that that leaves me,
22 and I also vote aye.

23 I just need to count that. And Jim already
24 voted -- I mean Jack --

25 MEMBER LITTLE: What about me?

1 CHMN. KATZ: Oh, yes, Member Little. I was
2 reading your mind. Go ahead.

3 MEMBER LITTLE: Okay. I'm sure you know how I'm
4 going to vote.

5 But I would also like to take a moment to thank
6 the applicant for their patience and for a very well
7 presented application and also the presentation that
8 we've been through the last couple of days.

9 I particularly enjoyed the history of that area,
10 of that land. I was curious about how it became a
11 proving grounds and how it then was no longer a proving
12 grounds. It was very interesting to me.

13 And with that, I vote aye.

14 CHMN. KATZ: And I will also vote aye.

15 But I do want to thank our two attorneys for
16 their preparation in this matter, the entire SRP staff,
17 and all of the expert witnesses in this matter.

18 And I want to thank the technical people,
19 without whom this would not all be possible. So thank
20 you all very much.

21 And I certainly want to thank our court reporter
22 for the wonderful job she always does, and I'm glad she
23 was here for this hearing.

24 And we're going to fill in now the vote was 9 in
25 favor and 0 against. So we'll fill that in that it was 9

1 to 0.

2 And we stand in recess.

3 MEMBER PALMER: Mr. Chairman.

4 CHMN. KATZ: Yes, sir.

5 MEMBER PALMER: I just want to add also, I want
6 to thank the applicant, because I see some of those are
7 here that are responsible, the accommodations were very
8 nice, the food was excellent, the snacks. None of that
9 goes unnoticed, and we appreciate it all. Thank you.

10 CHMN. KATZ: And we do stand in recess. We
11 don't have another one of these hearings until September,
12 and then we're back to about two per month. And if
13 there's anything newer that comes up, I'll keep you
14 posted. Tod will keep you posted. And if there are any
15 suggestions you have, please don't hesitate to contact
16 me.

17 Enjoy the rest of the summer, and hopefully some
18 of you will get the heck out of the Phoenix Metropolitan
19 area if you're not already in cooler climes.

20 But nice working with all of you. And I'll at
21 least be with you through the fall. I might retire at
22 the end of next February, but only time will tell.

23 Thank you all. Take care. If you're driving
24 anywhere, be safe. Good night.

25 (The hearing concluded at 5:45 p.m.)

1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

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

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

12 I CERTIFY that I have complied with the ethical
13 obligations set forth in ACJA 7-206(F)(3) and
14 ACJA 7-206(J)(1)(g)(1) and (2). Dated at Phoenix,
15 Arizona, this 30th day of June, 2022.

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CAROLYN T. SULLIVAN
Arizona Certified Reporter
No. 50528

26 I CERTIFY that GLENNIE REPORTING SERVICES, LLC, has
27 complied with the ethical obligations set forth in
28 ACJA 7-206(J)(1)(g)(1) through (6).

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