

1 BEFORE THE ARIZONA POWER PLANT LS-227

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) PREFILING CONFERENCE
 11 MESA, MARICOPA COUNTY, ARIZONA.)
)

12

13 At: Phoenix, Arizona

14 Date: May 4, 2022

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18 (Pages 1 through 20)

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before the
3 Arizona Power Plant and Transmission Line Siting
4 Committee, commencing at 2:01 p.m. on the 4th day of May,
5 2022, with all participants appearing via
6 videoconference.

7

8 BEFORE: PAUL A. KATZ, Chairman

9

10 APPEARANCES:

11 For the Applicant:

12 JENNINGS, STROUSS & SALMON, P.L.C.
13 Mr. Albert Acken
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15 and

16 SALT RIVER PROJECT
17 Ms. Alysha Gilbert
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20

21 ALSO PRESENT:

22 Mr. Kevin Woolfolk, SRP, Project Manager
23 Mr. David Felix, SRP Regulatory
Ms. Michele Maser, SRP, Senior Legal Specialist
24 Mr. Tod Brewer, Assistant to Chairman Katz

25

1 CHMN. KATZ: This is the time set for a
2 prefiling conference in the matter of the application of
3 Salt River Project Agricultural Improvement and Power
4 District for a Certificate of Environmental Compatibility
5 to authorize the project Huckleberry or Huckleberry
6 Project. And I won't go any further. This will probably
7 be ending up labeled as CEC No. 204 unless something else
8 sneaks in ahead of it.

9 But I would ask counsel -- I'll ask Mr. Acken,
10 who I believe is counsel for SRP in this matter, if he
11 would, to please identify himself for the record.

12 MR. ACKEN: Good afternoon, Mr. Chairman, Bert
13 Acken of Jennings, Strouss & Salmon on behalf of the
14 applicant, Salt River Project Agricultural Improvement
15 and Power District. With me is my co-counsel, Alysha
16 Gilbert, in-house with Salt River Project; Kevin Woolfolk
17 is the project manager for this project; David Felix from
18 SRP Regulatory; and Michele Maser, SRP Legal.

19 CHMN. KATZ: Thank you very much. Thus far, on
20 whatever outreach has been done, has there been any
21 identification of possible intervenors in this matter at
22 all to date?

23 MR. ACKEN: The only potential intervenor at
24 this time that we're aware of is the City of Mesa. We
25 actually spoke with them this morning. They are

1 considering intervening, certainly in support, but
2 perhaps to the extent that there are questions about
3 Mesa's role in the project, similar to how they
4 intervened in the project Red Hawk matter, which was
5 another datacenter in the City of Mesa.

6 CHMN. KATZ: That's a "maybe" right now, and
7 they absolutely know what's going on.

8 Has there been any public interest -- and I know
9 it's early in the process -- expressed either for or
10 against the project in terms of public as opposed to
11 governmental interest?

12 MR. ACKEN: SRP has conducted a number of
13 virtual open houses and now an in-person open house
14 yesterday in addition to the standard suite of outreach,
15 postcards, social media.

16 There has been some interest. There is a
17 residential community just to the southeast of the Meta
18 facility where the actual datacenter is going to be
19 located, and so there have been questions from the
20 community. I would characterize it as more in the nature
21 of curiosity, some concerns about having a datacenter
22 next door, some concerns about transmission lines, but
23 nothing significant at this time that we have identified.

24 CHMN. KATZ: And outside of the City of Mesa and
25 Maricopa County, are there any other interested parties

1 that have to be notified?

2 MR. ACKEN: Yes, Mr. Chairman. A significant
3 portion of the transmission line will be located on State
4 Trust land. And so this is approximately a half-mile
5 double-circuit 230kV transmission line and associated
6 interconnection facilities. Most, if not all, of the
7 transmission infrastructure will be on State land. The
8 substation will be on private land owned by Meta.

9 CHMN. KATZ: Okay. And just for the record,
10 I've received, I believe, three maps from you.

11 The first one just is a map illustrating the
12 project, which we will consider to be CEC Prefiling
13 Exhibit No. 1.

14 The second one I have is another map showing the
15 location of the hearing venue in Mesa, which we'll called
16 Prefiling Exhibit 2.

17 Prefiling Exhibit 3 is another map that depicts
18 the various sign locations where signs either have been
19 or will be placed.

20 And the last thing that I have received from
21 you, Mr. Acken, is the draft Notice of Hearing, which we
22 can label as Prefiling Exhibit No. 4.

23 But are there any changes to those documents
24 that we would need to make, at least at this time?

25 MR. ACKEN: No, not at this time.

1 CHMN. KATZ: Okay. And let me just ask you,
2 because I mentioned the Notice of Hearing. I can start
3 on the 27th, but I just wanted to run this by you. I'm
4 going back to Michigan and then to Ohio for a 50th
5 wedding anniversary celebration. I leave town on June
6 18th, and I get back Sunday, the 26th. Assuming no
7 complications, it's easy for me to get from Scottsdale to
8 Mesa.

9 I just didn't know whether we should consider
10 possibly -- I don't think there will be a need to, but
11 I'll just throw it out -- moving the hearing start date
12 till Tuesday, the 28th, instead of Monday, the 27th.
13 What are your thoughts?

14 MR. ACKEN: Logistically, I think we can do
15 that. My request, if we were to do that, is to start
16 earlier on the 28th since we'd be starting on a Tuesday.
17 I have my own travel plans. I was really hoping that
18 this hearing will be done by the 29th so that I will not
19 be available on the 30th. I do think we can get this
20 hearing done in a day and a half, two days tops,
21 particularly if there's not intervention. So if you
22 would prefer starting it on the 28th, I think that works
23 if we could start in the morning.

24 CHMN. KATZ: I have mixed feelings. I don't
25 really think I'll have a problem. Our flight -- it's a

1 connecting flight because nobody flies directly to
2 Arizona out of Cincinnati, Ohio. I'm flying into
3 Detroit, which is no problem. We are scheduled to get
4 home in the afternoon of Sunday, the 26th. And if we
5 don't start till 1:00, I should be able to easily make it
6 unless I have an airline issue.

7 MR. ACKEN: Michele, is there anything I'm
8 missing with respect to logistics if we were to push it
9 to Tuesday?

10 MS. MASER: No.

11 MR. ACKEN: Okay. So we could accomplish that.

12 CHMN. KATZ: I'm almost tempted, though, if you
13 wanted to start early, to keep it on Monday because we
14 have at least two members or three members that
15 potentially could attend in person from out of town. And
16 they don't probably want to spend Sunday night, so I'd
17 want to start at 1:00. We can leave it on the 27th.

18 MR. ACKEN: Yes. And that's what we had
19 anticipated with a Monday start, would be the 1:00. My
20 ask was if you wanted to push it to Tuesday, just to
21 start earlier. But if you want to keep it 1:00 Monday,
22 that's what we've been anticipating.

23 CHMN. KATZ: I think we'll do it. And if, for
24 some reason, we get highjacked or I get stuck in Dallas,
25 Texas, or in Cincinnati, Ohio, I'll call my good friend

1 Tod Brewer and have him just let you all know that we're
2 delayed, but I doubt that that's going to happen.

3 MR. ACKEN: You know, Mr. Chairman, one thing we
4 could do. We will still have the virtual option. So
5 depending on if you're on a plane or something, you could
6 at least open the hearing when people expect it even if
7 you're not here that afternoon and then recess until
8 you're back available.

9 CHMN. KATZ: Okay. Let's just leave it where we
10 were anticipating.

11 And I do have that draft Notice of Hearing.
12 I'll review it with Tod and make any necessary changes
13 and then get it signed and issued.

14 I'm assuming there have been publications. I
15 think one of your exhibits even demonstrated that, but go
16 ahead. Where have you published or when will you be
17 publishing?

18 MR. ACKEN: We're going to publish the Notice of
19 Hearing in The Arizona Republic on May 14th, 15th, and
20 18th and the East Valley Tribune on the 15th.

21 So that gives us a little wiggle room with our
22 filing dates. Michele, correct me, I think we're aiming
23 for the 10th. And so that provides a little wiggle room,
24 Mr. Chairman, to get that -- not a lot, but a little
25 wiggle room to get the notice final.

1 CHMN. KATZ: And looking at your map, it appears
2 that the designated signage is readily accessible to the
3 public. I just wanted to make sure that there wouldn't
4 be any problem with the public if they have any interest
5 at all in looking at signs.

6 Are there any issues regarding signs and their
7 location?

8 MR. ACKEN: No, not from our standpoint. We
9 tried to be very conservative in making sure that folks
10 have notice, and so there's a number of signs,
11 particularly given the small distance for this project.
12 And where we anticipate the interest will come from in
13 those communities, there are certainly a number of signs
14 to inform them.

15 Plus the outreach we've already done, we've had
16 no trouble making contact with the local communities, and
17 they certainly are aware of this project.

18 CHMN. KATZ: And if you haven't already done so,
19 I will assume that your notice to affected jurisdictions,
20 in accord with A.R.S. Section 40-360.04(A), will be
21 prepared or has been prepared and filed with the
22 Corporation Commission.

23 MR. ACKEN: Yes. We will do so shortly after we
24 have a docket number so that we can get that done.

25 CHMN. KATZ: I don't know whether we need to go

1 beyond. I know that you notified Mesa and the Land
2 Department or have or will be notifying them.

3 Do we have any Maricopa County agencies other
4 than the Maricopa County government at large?

5 MR. ACKEN: We do not. The primary governmental
6 stakeholders we've been dealing with are the City of Mesa
7 and then State Land. And we do have a right-of-way from
8 State Land, so they're certainly aware of this project.

9 Maricopa County has some land -- unincorporated
10 land that's close to the project, so we will provide
11 notice to them, but they're not directly affected by it.

12 CHMN. KATZ: And it's my understanding that
13 we'll be holding this hearing at the Marriott Phoenix
14 Mesa in Mesa, Arizona, and that there will be
15 accommodations available for any of the Commission
16 members at that location.

17 MR. ACKEN: Michele, can you confirm the venue?
18 I thought it had a different name. But, yes, we will
19 have accommodations for all of the Committee Members.

20 MS. MASER: It's called the Delta Hotels Phoenix
21 Marriott, Phoenix Mesa Marriott.

22 CHMN. KATZ: Okay. Delta Hotels by Marriott
23 Phoenix Mesa. Okay.

24 MS. MASER: And I will email Tod the contact
25 information today for making hotel reservations.

1 CHMN. KATZ: Sounds good.

2 And I don't know what your thoughts are. In
3 some of these line siting matters, I've been trying to
4 avoid tours unless -- like I've only had two tours since
5 doing this. One of them involved that fine project down
6 in Coolidge. The other one was another project that was
7 on the west side of town that abutted several residential
8 neighborhoods and there was a lot of public concern, so
9 we took the tour.

10 Do you see any necessity in us planning to have
11 a tour?

12 MR. ACKEN: We do not. We are not recommending
13 a tour. Given the short length of the line and the
14 robust visual presentation that we're going to have, we
15 think that that's going to provide the best depiction of
16 the project for the Committee.

17 There's some other potential problems with a
18 tour. One is somewhat limited access. You've got the
19 Loop 202 on one side and so where do you go. Plus all of
20 the ongoing construction that's associated with the
21 datacenter, we think it would be quite -- it will be
22 better explained in the hearing room with the exhibits
23 and materials that were provided rather than trying to do
24 a tour for this one.

25 CHMN. KATZ: And so far, the Committee has been

1 receptive to my recommendations for or against a tour,
2 but it's obviously up to them. Do we need to have
3 anything filed, a plan filed, with the -- well, we don't
4 need it yet, but -- well, do you think we need to file
5 anything regarding a tour with the Corporation
6 Commission? I don't think so, but ...

7 MR. ACKEN: What I would propose is what I did
8 for the Box Canyon project, which is we had a tour
9 protocol available. We didn't docket it. We didn't mark
10 it as an exhibit. But should the Committee decide that
11 they had wanted a tour, we had it available that first
12 day to provide and docket and distribute. So that would
13 be my recommendation for this one.

14 CHMN. KATZ: And if we decide that we want to do
15 that, what -- would we do that first thing Tuesday
16 morning?

17 MR. ACKEN: That's correct.

18 CHMN. KATZ: Okay.

19 MR. ACKEN: We will be prepared for that. If we
20 decide anything, we'll have a bus available.

21 CHMN. KATZ: All right.

22 Tod, do we have a date -- knowing that I'll be
23 out of town from Saturday, the 18th, until Sunday, the
24 26th, do we have a date for a prehearing conference?

25 MR. BREWER: We do, Mr. Chairman. We had

1 originally scheduled that for June the 21st at 2:00. I
2 would suggest that we move that to the week prior, the
3 week of June 13th. It looks like you have availability
4 all that week.

5 CHMN. KATZ: That works for me. I don't know if
6 that works for SRP and counsel.

7 MR. ACKEN: I have some travel, but we can -- we
8 will make that work. I would ask for middle of the day
9 ideally. I'm not sure what other -- I think, Alysha,
10 you're back. Kevin should be back. I think I'm the only
11 one that's out that week. But if we could target midday
12 or early in the day.

13 CHMN. KATZ: We could do the 13th, 14th, 15th,
14 16th, or 17th. Any preference?

15 MR. ACKEN: I guess the -- well, the 13th would
16 be my personal preference for my schedule, but I would
17 rather do it the 17th or the 16th to give us more time to
18 be prepared.

19 CHMN. KATZ: And I didn't check my calendar, but
20 I know you did. Does it appear that I'd be available the
21 17th, Tod?

22 MR. BREWER: Yes, Mr. Chairman, you have
23 availability all that day.

24 CHMN. KATZ: What time do you want to do that?
25 1:00? 2:00? 3:00? 11:00? What time works for you?

1 Want to do another 2:00?

2 MR. ACKEN: My preference would be the morning
3 of the 17th.

4 CHMN. KATZ: What time do we want to do that,
5 Tod? 11:00 a.m.?

6 MR. BREWER: Let's do that at 10:00.

7 CHMN. KATZ: Does that work for you?

8 MR. ACKEN: It works for me. If anybody else
9 has concern, speak up.

10 CHMN. KATZ: Hearing nothing further on that
11 issue, I'm assuming that there is no related litigation
12 or disputes that we need to be concerned about?

13 MR. ACKEN: There are not.

14 CHMN. KATZ: Okay.

15 My boss, Tod, will help me or probably be
16 primarily responsible for drafting, subject to my
17 approval, pretty much a standard Procedural Order, so
18 we'll take care of doing that.

19 You've already provided us with a draft of the
20 two CECs that you're requesting, correct?

21 MR. ACKEN: No. That was for a different
22 matter. That's for the prehearing tomorrow.

23 CHMN. KATZ: Oh, okay. Yep, you're right. I
24 get you two days in a row.

25 MR. ACKEN: Lucky you.

1 CHMN. KATZ: Okay. So you still have -- no, you
2 haven't provided us with that draft yet, correct?

3 MR. ACKEN: That's correct. We will do so
4 consistent with your Procedural Order prior to the
5 prehearing. That's why I wanted to give us a little more
6 time on that prehearing, make sure we get you everything
7 that we're committed to.

8 CHMN. KATZ: I'm just making a note here.

9 And, again, we'll plan on the public comment
10 being at 5:30 p.m. on Monday, the first day of our
11 hearing.

12 MR. ACKEN: Yes. That's what we have proposed.

13 CHMN. KATZ: And if there are any public
14 officials -- I know the Land Department wouldn't be
15 concerned because they wouldn't have issued the
16 right-of-way if they had concerns. But I assume that if
17 any governmental official from the City of Mesa or from
18 Maricopa County or for that matter the Land Department
19 wished to participate in the public comment process, once
20 we know that, we'll give them priority to speak first,
21 and we'll take it from there.

22 MR. ACKEN: We can do that.

23 CHMN. KATZ: And with respect to all permits,
24 federal, state, county, city, have we -- have you already
25 applied for or will you be applying prior to the

1 prehearing conference for all the required state,
2 federal, and local permits?

3 MR. ACKEN: My understanding is yes. If I'm
4 wrong, someone can correct me. But, again, this is a
5 straightforward project, a half-mile gen-tie, no federal
6 land component. So it's really getting that State Land
7 right-of-way and approval from the Committee and the
8 Commission.

9 CHMN. KATZ: Sounds good.

10 As usual, I assume that we'll have good, strong
11 WiFi hot spot at the hotel, that there will be laptop
12 access to Docket Control, including the application with
13 its exhibits. And hopefully, you will provide us with
14 iPads or tablets of some sort.

15 I need one hard copy of the exhibits. Most of
16 the Committee Members aren't concerned with that because
17 they will use the tablet for that purpose. But I just
18 wanted to make sure we weren't going to have any issues
19 regarding the access to exhibits. And, obviously, the
20 virtual participants, it will give them the ability with
21 a link to look at those exhibits or to at least view the
22 screens that they may be projected upon.

23 Any thoughts or comments regarding exhibits, hot
24 spot, etc.?

25 MR. ACKEN: SRP's internal team, they're very

1 good and they know the drill, so they'll be well
2 prepared.

3 CHMN. KATZ: And if you would like final
4 transcripts of the conference and hearings posted --
5 well, our court reporter would like to have copies of the
6 final transcripts of conferences as well as the hearing
7 posted to the applicant's website. And I trust that
8 you'll take care of getting that done.

9 MR. ACKEN: We will do so.

10 CHMN. KATZ: Okay. Are there any other issues
11 that we need to discuss or that are of concern to you or
12 representatives of your client, Mr. Acken, that we need
13 to take care of at this time?

14 MR. ACKEN: I'm looking at my list. I don't see
15 anything. But, again, I throw it out to the group if
16 I've missed something we need to cover.

17 CHMN. KATZ: Hearing nothing, I'm assuming there
18 aren't any outstanding concerns. And I am kind of
19 looking forward to getting away for about a week or so
20 before this hearing because I haven't had a vacation
21 since about May or June of 2020, and I'm looking forward
22 to seeing some family back in Michigan and Ohio. And
23 I'll silence myself with that.

24 Anything further we need to discuss?

25 MR. ACKEN: I'm glad you're able to take a

1 vacation. I think several of us have overdue vacations
2 that we're looking forward to taking this summer.

3 CHMN. KATZ: And I'll probably take another one
4 to visit my daughter and grandkids in Des Moines, Iowa,
5 in August. And I've deliberately not set any of these
6 hearings in July and August. And I can't believe I've
7 been doing this since September, and I think I've done
8 ten of these. So things aren't lightening up any. We
9 are starting to set matters in February and March of next
10 year.

11 Anyway, I thank all of you. I'll look forward
12 to seeing you in about a month or so. And, Carolyn, as
13 always, it's nice to see you. Thank you very much.

14 And we do stand in recess. Take care everyone.

15 MR. ACKEN: Thank you.

16 (The prefiling conference concluded at
17 2:25 p.m.)

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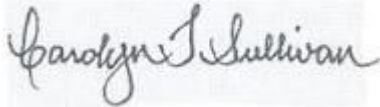
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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA)

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15 Arizona, this 6th day of May, 2022.

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