

1 BEFORE THE ARIZONA POWER PLANT  
2 AND TRANSMISSION LINE SITING COMMITTEE  
3 IN THE MATTER OF THE APPLICATION ) DOCKET NO.  
4 OF SALT RIVER PROJECT ) L-00000B-19-0219-00184  
5 AGRICULTURAL IMPROVEMENT AND )  
6 POWER DISTRICT, IN CONFORMANCE )  
7 WITH THE REQUIREMENTS OF ARIZONA ) LS CASE NO. 184  
8 REVISED STATUTES, SECTIONS )  
9 40-360, et seq., FOR A )  
10 CERTIFICATE OF ENVIRONMENTAL )  
11 COMPATIBILITY AUTHORIZING )  
12 PROJECT RED HAWK, A SWITCHYARD )  
13 AND MULTIPLE TRANSFORMERS )  
14 INTERCONNECTING 230kV STRUCTURES, )  
15 LOCATED AT SOSSAMAN AND ELLIOT )  
16 ROADS ALL WITHIN THE CITY OF )  
17 MESA, ARIZONA IN MARICOPA COUNTY. )  
18 \_\_\_\_\_ )

12 At: Mesa, Arizona  
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21 COASH & COASH, INC.  
22 Court Reporting, Video & Videoconferencing  
23 1802 North 7th Street, Phoenix, AZ 85006  
24 602-258-1440 staff@coashandcoash.com

24 By: Carolyn T. Sullivan, RPR  
25 Arizona Certified Reporter  
Certificate No. 50528

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1 BE IT REMEMBERED that the above-entitled and  
2 numbered matter came on regularly to be heard before the  
3 Arizona Power Plant and Transmission Line Siting  
4 Committee at the Superstition Spring Golf Club, 6542 East  
5 Baseline Road, Mesa, Arizona, commencing at 9:29 a.m. on  
6 the 7th day of November, 2019.

7

8 BEFORE: THOMAS K. CHENAL, Chairman

9 LAURIE WOODALL, Arizona Corporation Commission  
10 JOHN RIGGINS, Arizona Department of Water Resources  
11 MARY HAMWAY, Cities and Towns  
12 JAMES PALMER, Agriculture  
13 PATRICIA NOLAND, Public Member  
14 JACK HAENICHEN, Public Member  
15 KARL GENTLES, Public Member

13

14

15 APPEARANCES:

16 For the Applicant, Salt River Project:

17 Mr. Kenneth C. Sundlof, Jr.  
18 c/o Salt River Project  
19 Mail Station PAB4TA  
20 P.O. Box 52025  
21 Phoenix, Arizona 85072-2025

22 and

23 Ms. Karilee S. Ramaley  
24 Senior Principal Attorney  
25 Regulatory Policy  
Salt River Project  
PO Box 52025  
Phoenix, Arizona 85072-2025

25

1 APPEARANCES: (Cont.)

2 For City of Mesa:

3 Mr. Wilbert J. Taebel  
4 Assistant City Attorney  
5 City of Mesa  
6 PO Box 1466  
7 Mesa, Arizona 85211-1466

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1 CHMN. CHENAL: Good morning, everybody. This  
2 is the time set to complete the hearing and begin  
3 deliberations.

4 I think if I could ask counsel, we still have a  
5 couple items we still need to cover. We have some  
6 exhibits to get into the record. And, Mr. Sundlof, we  
7 had some discussion about your Exhibit 64, which is --

8 MR. SUNDLOF: 63.

9 CHMN. CHENAL: Excuse me, 63, which is the  
10 schematic of the diagram that was prepared. How did you  
11 plan to deal with Exhibit 63?

12 MR. SUNDLOF: Well, what we did is we put  
13 together a map showing -- remember, the substation is not  
14 designed yet, so we don't have precise dimensions, but we  
15 put together a map showing the area and pushing it as far  
16 south as we can. And that map, 63, and I'll distribute  
17 that, could also be Exhibit A to the CEC document.

18 THE REPORTER: Mr. Chairman, I'm sorry, but I'm  
19 having a small technical problem.

20 (Off the record.)

21 CHMN. CHENAL: We're back on the record. So,  
22 Mr. Sundlof, why don't you tell us how you'd like to  
23 proceed with respect to Exhibit 63.

24 MR. SUNDLOF: Thank you, Your Honor.

25 Toward the end of the day yesterday, there was

1 discussion about the location of the switchyard and  
2 whether or not it could be pushed south some amount.

3 And we need to understand that the switchyard  
4 is not yet designed, and so the numbers are going to be  
5 approximate. But what we've done is we've come up with  
6 an Exhibit A, and that will be Exhibit 63, but that could  
7 be Exhibit A to the CEC if you want it to be.

8 And that shows a siting area for the  
9 switchyard, and it also shows an approximate location  
10 that is pushed all the way to the south.

11 Can you put that up on the screen and pass it  
12 out to the Committee members.

13 Oh, you've got it already.

14 CHMN. CHENAL: Mr. Sundlof, we have Exhibit 63.  
15 It's been passed out. Maybe we could have -- who would  
16 be the best witness to discuss this?

17 MR. SUNDLOF: I'll just have Kim Humphrey come  
18 up right now. Maybe I'll add Kenda later.

19 CHMN. CHENAL: Member Haenichen.

20 MEMBER HAENICHEN: I recall yesterday that we  
21 were going to be furnished with a map with a horizontal  
22 or east-west line delineating the transition between 50  
23 feet and 100 feet.

24 MR. SUNDLOF: I can do that if you want. Let's  
25 start with this, and then I've got another one that I'll

1 mark.

2

3

KIM HUMPHREY AND KENDA POLLIO,

4 called as witnesses herein, having been previously duly

5 sworn by the Chairman to speak the whole truth and

6 nothing but the truth, were examined and testified as

7 follows:

8

9

DIRECT EXAMINATION

10 BY MR. SUNDLOF:

11 Q. Kim, you've already been sworn.

12 You came up with Exhibit 63 last night. Tell

13 us what it is and give us approximate dimensions.

14 A. (BY MS. HUMPHREY) okay. Exhibit 63 is a  
15 picture of the customer site, the project site. The  
16 orange rectangular-type shape shows the siting area, and  
17 that has dimensions of 620 by 910 feet. The large area  
18 abuts the transmission corridor. The green --

19 Q. Describe what they are. I mean, what is the  
20 orange part? What is the green part?

21 A. (BY MS. HUMPHREY) Okay. The green outline  
22 that's in there is our estimated size of the switchyard  
23 based on the preliminary design. And we've moved that as  
24 far south as we are able. So that is the design that you  
25 are looking at in front of you.

1 Q. Okay. And say the dimensions again. And also  
2 talk about how much space you've been able to leave on  
3 the north side of the property.

4 A. (BY MS. HUMPHREY) The dimensions of the green  
5 box, which is the estimated size of the switchyard, is  
6 520 feet by 780 feet.

7 We've been able to leave approximately 100 feet  
8 on the west side between the top of the switchyard and  
9 about 160 feet on the east side. You can see that  
10 there's a diagonal line, so, therefore, they're not the  
11 same on both the east and west ends, the distance to the  
12 transmission corridor.

13 CHMN. CHENAL: Could you provide those numbers  
14 again, please.

15 MS. HUMPHREY: Yes. Approximately 100 feet on  
16 the west corner to the transmission corridor and  
17 approximately 160 feet on the east end to the  
18 transmission corridor. And we also have a buffer going  
19 to the east of approximately 130 from the edge of the  
20 switchyard to the edge of the siting area.

21 MR. SUNDLOF: Okay. We've got a -- we're  
22 putting together a new exhibit, 64, Member Haenichen,  
23 that shows the zoning line of demarcation, and it also  
24 shows the dimensions on that exhibit. I did not use that  
25 at first because it would not be the exhibit for the CEC,

1 but we did prepare that in anticipation of that question.

2 Can you put it up.

3 Okay. We will mark the document on the right  
4 screen as Exhibit 64, and we will distribute it.

5 CHMN. CHENAL: The left screen, Mr. Sundlof?

6 MR. SUNDLOF: Did I say -- left screen.

7 Q. BY MR. SUNDLOF: Ms. Humphrey, the map on the  
8 left screen is approximately the same dimensions of the  
9 switchyard and the siting area as Exhibit 63?

10 A. (BY MS. HUMPHREY) That is correct.

11 Q. But instead, it shows -- in addition, it shows  
12 the line of demarcation for the zoning between the 50-  
13 and 150-foot, and it also has, on the lower right of the  
14 project site, the dimensions of both the green and the  
15 orange areas?

16 A. (BY MS. HUMPHREY) That is correct.

17 MR. SUNDLOF: Okay. Maybe I should see if  
18 there's any questions at this point.

19 CHMN. CHENAL: Yes.

20 Kim, what is the distance between what would be  
21 the -- between the switchyard area, as you've described  
22 it, and I guess the transmission corridor to the north?

23 MS. HUMPHREY: Okay. Again, on the west side,  
24 it's approximately 100 feet.

25 CHMN. CHENAL: I'm going to ask you to use the

1 laser pointer.

2 MS. HUMPHREY: You bet.

3 MR. SUNDLOF: And is the question just from the  
4 property line to the switchyard boundary or from the  
5 houses to the switchyard boundary?

6 CHMN. CHENAL: Well, I was going to take it in  
7 sequence.

8 MS. HUMPHREY: May I borrow your green pointer.  
9 This one doesn't seem to have much oomph.

10 CHMN. CHENAL: I want it back.

11 MS. HUMPHREY: So you can see that the  
12 transmission corridor takes an angle right here. It's no  
13 longer directly east and west. So the shorter side is  
14 approximately 100 feet from the edge of the green square  
15 to the transmission corridor. And then the eastern edge  
16 is approximately 160 feet because of that angle the  
17 transmission lines take there.

18 CHMN. CHENAL: Member Haenichen.

19 MEMBER HAENICHEN: Just a clarification. When  
20 you said from the edge of the -- the top edge of the --  
21 yeah, that one -- to the transmission corridor, do you  
22 mean to the center of the corridor or to the --

23 MS. HUMPHREY: To the edge of the corridor.

24 MEMBER HAENICHEN: The bottom edge?

25 MS. HUMPHREY: Yes. South edge.

1 CHMN. CHENAL: And then I think we wanted to  
2 know what the distance would be from the north side of  
3 the switchyard to, I don't know, the road. Let's say  
4 Peralta.

5 MS. HUMPHREY: I was out there this morning, so  
6 I'm going to give you an approximation. Because if we  
7 say it's 100 feet here to the transmission corridor,  
8 which is 250 feet, so that's 350 feet, then there is kind  
9 of a tall, narrow, triangular section that is between the  
10 transmission corridor and the road. That long, skinny  
11 triangle is because that line dips down, so it adds an  
12 additional amount. And we were calculating that we  
13 thought that was about 150 feet on this side and then  
14 narrows down, and then the road is approximately 40.

15 So adding those together -- is it 540? On the  
16 west end and then a little bit less than that on the east  
17 end.

18 CHMN. CHENAL: Thank you.

19 Does the Committee have any questions?

20 MEMBER HAENICHEN: Kim said it was -- implied  
21 that the west end was wider than the east end, but I  
22 thought it was the other way around.

23 MS. HUMPHREY: You are correct. Thank you.

24 CHMN. CHENAL: Member Woodall.

25 MEMBER WOODALL: So looking at what I

1 understand will be marked as Exhibit 64, can you tell us  
2 how far into the 150-foot zoning designation the  
3 switchyard, as depicted here, how far does it extends  
4 into that?

5 MS. HUMPHREY: Yes. You're talking about this  
6 area right here?

7 MEMBER WOODALL: Yes, ma'am.

8 MS. HUMPHREY: 270 feet.

9 CHMN. CHENAL: Kim, another question. The  
10 switchyard, I thought I saw on a previous exhibit,  
11 occupies approximately 9 acres.

12 MS. HUMPHREY: Yes. I think we've changed the  
13 dimensions slightly, and we're saying it's approximately  
14 10 acres. The green box, approximately 10 acres.

15 CHMN. CHENAL: All right. The green box,  
16 approximately 10. And then what has been depicted as the  
17 siting area, if you will, for the switchyard is  
18 approximately 14?

19 MS. HUMPHREY: Exactly.

20 CHMN. CHENAL: So as you have pushed the  
21 switchyard south, approximately how many of those 10  
22 acres are in the 150-foot zoning district and  
23 approximately how many acres are in the 50-foot zone?

24 MS. HUMPHREY: I haven't done that calculation,  
25 but -- are we talking about the green box or the orange

1 box?

2 CHMN. CHENAL: The orange part.

3 MS. HUMPHREY: So the orange part is 620 feet  
4 along here. And of that, 270 is in the 150 and 350 is in  
5 the upper part. So that would be a fraction. You asked  
6 how many acres of the 14. Let's just see --

7 CHMN. CHENAL: Well, of the 10.

8 MS. HUMPHREY: Okay.

9 MS. POLLIO: I'm getting it.

10 MS. HUMPHREY: Thank you for helping with my  
11 math. I'm old school, but I'm a little bit rusty on some  
12 of this with the advent of Excel.

13 So approximately  $5/9$  is in the 50-foot and  
14  $4/9$  -- oh, excuse me. So approximately 5.1 acres in the  
15 upper part and 4.22 acres in the 150-foot zoned area.  
16 And that -- again, we're using kind of approximations, so  
17 I hope you'll accept the rounding issues.

18 CHMN. CHENAL: Thank you.

19 Any further questions from the Committee?

20 (No response.)

21 CHMN. CHENAL: All right. Any questions,  
22 Mr. Taebel?

23 MR. TAEBEL: No questions.

24 CHMN. CHENAL: Did you have any further  
25 questions, Mr. Sundlof?

1 MR. SUNDLOF: I do not.

2 CHMN. CHENAL: Why don't we move Exhibit 64.

3 MR. SUNDLOF: I will move Exhibits 63 and 64.

4 CHMN. CHENAL: 63 and 64.

5 Any objections?

6 (No response.)

7 CHMN. CHENAL: Hearing none, Exhibits 63 and 64  
8 are admitted.

9 We're going to have some questions,  
10 Mr. Sundlof, and I think we should have those before we  
11 begin the deliberations. I believe it will have to do  
12 with some of the wording of the proposed CEC. We can  
13 talk about that.

14 Mr. Taebel, I want to move as Chairman's  
15 Exhibit 3 the Development Agreement between the City of  
16 Mesa and Stone Applications, LLC. We discussed it  
17 yesterday. You provided a copy of it today.

18 And I have a question. Just a quick review of  
19 it, but Exhibit C of the Development Agreement, calls for  
20 a customized review schedule. And I just -- I'd just  
21 like to have a little discussion about that customized  
22 review because it seems like it accelerates the City  
23 review of -- and I don't know if it's the site plan  
24 that's being referenced here or if it's something else.

25 Maybe Mr. Beatty -- why don't we have you

1 provide a little testimony on this. I just want to make  
2 sure that this Development Agreement doesn't in any way  
3 shortchange the ability of the residents to provide  
4 input.

5 MR. BEATTY: Sure. Chairman, Members of the  
6 Committee, the customized review that's mentioned in that  
7 exhibit is specifically for building permits, which is a  
8 separate process from the zoning and site plan review  
9 process.

10 CHMN. CHENAL: Okay. Thank you very much for  
11 that.

12 Any further questions?

13 (No response.)

14 CHMN. CHENAL: Mr. Sundlof, any questions?

15 MR. SUNDLOF: No questions.

16 CHMN. CHENAL: Mr. Taebel.

17 MR. TAEBEL: No questions.

18 CHMN. CHENAL: Good. Thank you for that  
19 clarification.

20 I remember when I -- before my first hearing on  
21 the SunZia case, I sent a text to the former chairman,  
22 John Foreman, and I said, John, when the chairman  
23 introduces an exhibit, what if someone objects? And I  
24 didn't hear from him. And it was Friday, and then  
25 Saturday, and the hearing started Monday morning in

1 Willcox, as I recall.

2 And late Sunday night, I get a text back from  
3 John. He said, I'm in Avignon, France, having a great  
4 time. If someone objects, just overrule it.

5 Any objections to Chairman's Exhibit 3?

6 (No response.)

7 CHMN. CHENAL: Hearing no objection to Exhibit  
8 Chairman's 1, 2, or 3, they're admitted as well.

9 Okay. Does the applicant have any further  
10 evidence they wish to present, Mr. Sundlof, at this  
11 point?

12 MR. SUNDLOF: No, Your Honor. But I think you  
13 referenced that there could be -- during the  
14 deliberations, we may want to bring somebody up to answer  
15 questions. But as of right now, no.

16 And we're ready to do the deliberations. We  
17 have worked out two conditions with the City of Mesa that  
18 we will put in at the appropriate time.

19 CHMN. CHENAL: Sure.

20 And let me ask the same question of Mesa.

21 Mr. Taebel, do you have any further evidence  
22 you wish to produce at this time?

23 MR. TAEBEL: No, Your Honor.

24 CHMN. CHENAL: And we want to be fair to the  
25 applicants. I'm going to open it up to the Committee,

1 and I'm sure there will be some questions before we begin  
2 the deliberations just so we can bring witnesses up if we  
3 want to. And I know we're going to have a few questions.

4 And then I thought we'd talk about the location  
5 of the switchyard because I think that's going to  
6 generate some discussion. We won't vote on it at that  
7 time, but I think that's going to be a little harder  
8 issue. And then we can go through the conditions as we  
9 normally do. And we've talked about the process there.

10 If at any time you want to present more  
11 evidence to complete the record based on any of the  
12 questions that are raised, you'll be able to do that.  
13 We'll be very liberal with that.

14 MR. SUNDLOF: I have a suggestion. I may put  
15 Kim and Kenda up there in case there's questions, they're  
16 ready to go.

17 CHMN. CHENAL: Member Noland.

18 MEMBER NOLAND: So there's going to be no  
19 closing statement?

20 CHMN. CHENAL: We'll have a closing statement.  
21 But I think right now, there may be some questions about  
22 some of the wording of the CEC and the project  
23 description. And I thought we'd -- Member Noland, I  
24 thought we'd have that discussion right now while we  
25 still have the witnesses. And it will be easier, I

1 think, to have that conversation. And then we can have  
2 the final arguments, and then we'll begin the  
3 deliberations.

4 So maybe if we could put up -- because I think  
5 we discussed -- do we have -- I guess my Exhibit 65, SRP  
6 Exhibit 65, would be the CEC that accepted the changes  
7 proposed by SRP with my -- some of my edits.

8 MR. SUNDLOF: Yes.

9 CHMN. CHENAL: So if we could put that up on  
10 the left screen. And then that way, when we have  
11 questions about the description of the project, people  
12 will be able to see what the wording is that we're  
13 questioning. This isn't something we normally do, but I  
14 think it's appropriate in this case.

15 So I believe that at least one member has a  
16 question about some of the language on the project  
17 description.

18 Member Noland, did you want to ask a question  
19 on some language?

20 MEMBER NOLAND: Thank you.

21 On page 2 of the CEC, at the bottom, the  
22 Overview Project Description. I'm having some difficulty  
23 with the language in here, and let me tell you what it  
24 is.

25 I don't know what an expanded substation is.

1 And the expanded substation will include a switchyard and  
2 up to ten 230kV circuits.

3 On line 26: "The actual location of these  
4 facilities" -- and I don't know what "facilities" are.  
5 They're not defined -- "will be determined according to  
6 the needs of the customer as they may develop over time."

7 On page 3, at the top, again, the use of  
8 "expanded substation," which I'm thinking is the  
9 switchyard because it's talking about interconnecting to  
10 the 230kV line, existing Browning-to-Santan 230kV  
11 transmission line.

12 And, again, down on line 12: "Applicant is  
13 free to place the facilities at any location within the  
14 property according to the ultimate needs of the  
15 customer."

16 I assume you're talking about poles and  
17 transformers, but that's not what that says. It says  
18 "facilities," and I don't know what facilities are.

19 CHMN. CHENAL: Very good. Mr. Sundlof.

20 MR. SUNDLOF: Let me respond. I guess we're  
21 going to start going through, but let me start with page  
22 2, line 23, of the 187-acre parcel.

23 We have a legal description of that. It's  
24 several pages long. And we would suggest attaching that  
25 to the CEC as Exhibit B so it's very clear.

1           On the expanded substation, we have defined  
2 through our witnesses that the whole project is an  
3 expanded substation. If people don't like that word, we  
4 don't need to use it, but that's how we've described the  
5 project.

6           The project facilities are defined on page 3,  
7 lines 16 through 22. And those are the facilities for  
8 which we are requesting a certificate. So "expanded  
9 substation" is just our way of defining the idea of  
10 taking a substation and expanding it out so the  
11 transformers are adjacent to the buildings. And the  
12 facilities that we talk about are the facilities that are  
13 defined on page 2. And if we want to reference those,  
14 that's fine.

15           MEMBER NOLAND: Mr. Chairman, I understand  
16 that.

17           But "facilities" includes, in your components,  
18 the new switchyard and said they can be located anywhere.

19           MR. SUNDLOF: That's what -- we need to change  
20 that. I mean, obviously, that's what we've been dealing  
21 with. And we will change that. And we may say it will  
22 be located in the approximate location shown on  
23 Exhibit A, is what we would say.

24           MEMBER NOLAND: I think that would work, and I  
25 would really not like to use the word "expanded

1 substation." If we're talking about a switchyard, we're  
2 talking about a switchyard. We're not supposedly  
3 approving the other components of the facility.

4 CHMN. CHENAL: Mr. Sundlof.

5 MR. SUNDLOF: Well, we're getting into a legal  
6 issue. I think some would argue that substations are not  
7 within the purview of the statute. I'm not one that  
8 would argue that.

9 I think when the statute says switchyards, it's  
10 talking about the switching mechanism in a substation.  
11 And I would think that a substation or a switchyard is  
12 part of the siting authority of this Committee, and I'd  
13 rather leave it in. If you don't want to leave it in,  
14 that's okay, but I'd rather leave it in.

15 MEMBER NOLAND: Mr. Chairman, based on that  
16 premise, then we should approve where the transformers  
17 will go and the poles will go if it's all the substation  
18 and we have the authority over that.

19 CHMN. CHENAL: And I think that's the dilemma,  
20 because I think we do. Certainly over the poles, we do,  
21 and that's why we're back to the discussion that we had  
22 at the very beginning, which is, they're asking us to  
23 site the poles but by allowing the poles to be located  
24 wherever and I think, based on what Mr. Sundlof said, the  
25 transformers as well. I mean, I think that's -- we

1 are -- I think what the applicant is saying is that we're  
2 asking you to site it, but site it in a way that gives us  
3 complete flexibility.

4 MEMBER NOLAND: And, Mr. Chairman, I understand  
5 that. And that's what they said from the beginning. And  
6 that's when I said, then let's make the corridor the  
7 whole 187-acre site. We start out one way, and then we  
8 go another way, and now we're back again. Let's just  
9 figure out what we're approving and where it's going to  
10 be and what components are involved in that. Because I  
11 think we've gone back and forth on this.

12 CHMN. CHENAL: And I certainly agree that we  
13 need to tighten up the definitions here, and I think the  
14 applicant is willing to do that. I don't disagree with  
15 anything that you've said. But I guess I'm looking at  
16 this as a huge corridor.

17 Member Noland.

18 MEMBER NOLAND: And, Mr. Chairman, this came up  
19 yesterday, and I did a little study of my exhibits and so  
20 on.

21 And I think Member Woodall made the statement  
22 that the neighbors and everyone got notice that this is  
23 where the switchyard was going to be, and it had changed  
24 the notice of who got what. Well, that's not true. The  
25 whole site was included in the notification area. None

1 of the items that were mailed to the public surrounding  
2 in that area showed a switchyard site, only the entire  
3 187-acre site.

4 CHMN. CHENAL: Member Woodall.

5 MEMBER WOODALL: Ms. Pollio and Ms. Humphrey,  
6 during your open houses, did you describe to members of  
7 the public the anticipated location of the switchyard?

8 MS. HUMPHREY: Yes, we did, via map and also  
9 renderings.

10 CHMN. CHENAL: Member Noland.

11 MEMBER NOLAND: Ms. Humphrey, but did the  
12 mailings include the site? The mailing notifications and  
13 Exhibit 43, did they show the site of the switchyard?

14 MS. HUMPHREY: It's my best recollection that  
15 the map included in those postcards was of the project  
16 site.

17 MEMBER NOLAND: And not the switchyard  
18 location?

19 MS. HUMPHREY: I believe you are correct, but I  
20 would have to go back and double-check.

21 MEMBER NOLAND: Well, I checked it. It  
22 doesn't.

23 MEMBER GENTLES: Mr. Chair.

24 CHMN. CHENAL: Member Gentles.

25 MEMBER GENTLES: In those conversations, what

1 did the public say?

2 MS. HUMPHREY: At the open house, is that what  
3 you're speaking of?

4 I think at the open house, we had people that  
5 were representative of some of the public comment that we  
6 had here, as well as some that were excited about the  
7 project. So it was a mixed bag.

8 MEMBER GENTLES: So they were excited about the  
9 project.

10 MS. HUMPHREY: Yes.

11 MEMBER GENTLES: Would you describe their  
12 excitement about the switchyard location as being the  
13 same?

14 MS. HUMPHREY: I would say that, as Sam has  
15 testified, that the neighbors were more concerned about  
16 their viewshed of an open field having an obstacle now on  
17 it that would intrude upon what they were looking out at,  
18 as any kind of industrial facility probably would.

19 MEMBER GENTLES: The 160-foot buildings or --

20 MS. HUMPHREY: They were concerned about the  
21 switchyard, you're exactly right.

22 MEMBER NOLAND: Mr. Chairman.

23 CHMN. CHENAL: Member Noland.

24 MEMBER NOLAND: Ms. Humphrey, you were here for  
25 the public hearing; correct? Is it your recollection

1 that many of those people wished to have the switchyard  
2 located to the south side of the school yard?

3 MS. HUMPHREY: I think that was one suggestion.

4 MEMBER NOLAND: Just one?

5 MS. HUMPHREY: I think there's some that would  
6 like to have the whole project disappear.

7 MEMBER NOLAND: Thank you.

8 MEMBER GENTLES: Mr. Chairman, I'm not sure  
9 that I read from any of the public testimony that they  
10 wanted the project to disappear. Generally, they thought  
11 it was a good project for the City, and I think we're all  
12 in agreement with that. So I want to make a distinction  
13 between the project and the switchyard, because I think  
14 that's very important from my perspective and I think  
15 from the community standpoint.

16 MS. HUMPHREY: Is that a question?

17 MEMBER GENTLES: Sure.

18 MS. HUMPHREY: I was thinking that one of the  
19 public comments on Monday, that there was a woman that  
20 said she wanted the whole project to go. So that's why I  
21 said that. But if I've mistaken my interpretation, I  
22 apologize.

23 MEMBER GENTLES: And let me clarify. There  
24 were a couple folks that generally didn't like the  
25 project, but I think overwhelmingly from the comments I

1 read, that they thought the project was good. It really  
2 came down to their viewshed and that switchyard  
3 specifically.

4 MS. HUMPHREY: I agree.

5 CHMN. CHENAL: Member Noland.

6 MEMBER NOLAND: Thank you, Mr. Chairman.

7 And in the comments that we received,  
8 Exhibit SRP-61, at least one of the people in those  
9 comments said: We believe that considering moving the  
10 switchyard to the south of the school center is not a  
11 drastic change of location but would be significant  
12 change for the health, safety, and visual appearance of  
13 our neighborhood.

14 CHMN. CHENAL: Member Woodall, I think you had  
15 a question.

16 MEMBER WOODALL: Not really.

17 CHMN. CHENAL: On the wall, the east side.

18 MEMBER WOODALL: Oh, I'm very sorry.

19 I wanted to inquire, it appears that the  
20 applicant is willing to agree to build a block wall of  
21 some sort or a solid wall on the north side of the  
22 property. And I know there was some discussion and some  
23 intimation that maybe some members of the Committee might  
24 want it on the east side as well. So I just wanted  
25 either someone from the City of Mesa or perhaps

1 Ms. Pollio to indicate whether they thought that would be  
2 necessary from a planning perspective. Because I don't  
3 have the expertise of a few of my members, so that's  
4 really what I'm asking. Do we need a wall on the east  
5 side?

6 CHMN. CHENAL: And, Member Woodall, are you  
7 talking about the east side of the switchyard or the east  
8 side of the property?

9 MEMBER WOODALL: Just the switchyard. Because  
10 the City is going to be deciding what kind of perimeter  
11 wall and whatever.

12 So that's really all I'm asking. If there's  
13 something in the record where I have someone who is  
14 knowledgeable that says, Oh, no, that would be very  
15 significant, then I would have something in the record to  
16 support having a solid eastern wall. So it can either be  
17 Ms. Pollio or it can be someone from the City of Mesa.  
18 That's really where I was coming from.

19 CHMN. CHENAL: And I think we already have  
20 evidence, but let's ...

21 MR. SUNDLOF: Kenda, why don't you respond to  
22 that question.

23 MS. POLLIO: I will state that I think that the  
24 north side is the predominant, what we heard from the  
25 public.

1 I think there are some people that would see a  
2 benefit to a portion of the east side. I don't think,  
3 necessarily, you would need to go down the full east  
4 side.

5 But in many cases, on substations, we'll wrap  
6 it. So you do the north, and then you wrap it so it kind  
7 of gives that -- if you're looking from the northwest --  
8 looking southwest from the northeast, having it wrap and  
9 maybe go down just a portion would help screen that. I  
10 don't think you would need to have one on the full side.

11 MEMBER WOODALL: Thank you. And does the City  
12 of Mesa have anything to add to that discussion about the  
13 block wall on the east side? And if you don't, that's  
14 fine.

15 MR. TAEBEL: I don't think so, no.

16 MEMBER WOODALL: You don't have any opinion?

17 MR. TAEBEL: I don't have anything to add.

18 I guess I would say because of the discussion  
19 this morning with the 100-foot setback from the northern  
20 property line, then I think the zoning still requires the  
21 property owner to place the fencing that's required by  
22 the zoning. And so this would be additional fencing or  
23 walls, and I think it will work.

24 MEMBER WOODALL: That was my understanding.

25 And the reason I'm being so differential to the interests

1 and desires of the City of Mesa is it's been described to  
2 us this is a very important project. And you don't have  
3 it designed yet, and you will be looking at it. So I'm  
4 kind of reluctant to do planning on your project if the  
5 facilities are not necessary. That's the reason I'm  
6 asking. Normally, I would just say, whatever the  
7 majority wants to do here, which is going to be true  
8 anyway.

9 But that's why I'm soliciting your perspective,  
10 because you're saying this is a very important project  
11 for the City. But you've answered my question, so that's  
12 fine.

13 CHMN. CHENAL: Member Haenichen.

14 MEMBER HAENICHEN: Thank you, Mr. Chairman. I  
15 feel compelled to repeat something I said yesterday, in  
16 that as far as money is concerned, it's a trivial amount  
17 for the wall whether you wrap it part of the way as  
18 Ms. Pollio said or all the way down to the bottom. And I  
19 would say, go for the gusto and do the whole thing.

20 MEMBER GENTLES: Mr. Chair.

21 CHMN. CHENAL: Member Gentles.

22 MEMBER GENTLES: So on page -- I just need some  
23 clarification. On page I think it's 26 of the public  
24 comment, SRP-61, the entry dated October 14, 2019, at the  
25 top of that page. I'll give you a minute to get there.

1 I numbered the pages, so it's about the 26th  
2 page, 25th, 26th page. It starts with: I live due north  
3 of the proposed switchyard facility.

4 So while you're going, let me just paraphrase  
5 what it says: I live due north of the proposed  
6 switchyard facility. I would sure appreciate that this  
7 facility be installed just south of the school's  
8 maintenance facility, not where it's currently planned.  
9 I understand that it would require additional SRP  
10 infrastructure to do so, but my family and neighbors will  
11 not want to see this switchyard even if you built a wall  
12 enclosure every day. Putting it behind the school's  
13 property will hide it from the view of Google's  
14 residents, neighbors, etc.

15 And then, on the right-hand side, in response,  
16 it says: Explain the negative interference with the  
17 developer's plan in moving the switchyard.

18 But I passed on their comments.

19 Can somebody explain to me what the negative  
20 interference with the developer's plans is?

21 MS. POLLIO: I think the -- we'll go to the  
22 exhibit that was up there. I don't know if you're trying  
23 to get the public comment, but the explanation that we  
24 discussed with the property owners at the open house and  
25 people that called in -- I actually am one of the people

1 that have talked to a number of those people.

2 We talked about how, if it was relocated to the  
3 south, it would impede the development on the customer's  
4 request. So I think that was where the negative came in.  
5 We did explain, and I think you heard that at the public  
6 meeting, that there is a height restriction in that  
7 northern area.

8 And they would like it up in that area, as we  
9 talked about yesterday. We explained that as well as  
10 trying to locate it as close to the corridor as possible.  
11 And we also discussed some of the security issues that we  
12 talked about yesterday.

13 And I'm not sure exactly which person that is,  
14 but I did speak to a number of people and explained  
15 exactly what we talked about here yesterday.

16 MEMBER GENTLES: Thank you.

17 CHMN. CHENAL: All right. Does the Committee  
18 have any further questions or comments before we release  
19 the panel and go to any closing statements? And then I  
20 think we can begin our deliberations.

21 It doesn't look like there's any, Mr. Sundlof.  
22 Do you have any further questions, Mr. Sundlof?

23 MR. SUNDLOF: No further questions.

24 CHMN. CHENAL: Mr. Taebel?

25 MR. TAEBEL: No questions.

1 CHMN. CHENAL: Thank you, ladies, again. I  
2 would not assume that there won't be any more questions  
3 coming your way, though.

4 So I think we're ready for any closing  
5 statements, Mr. Sundlof, and then Mr. Taebel. And then  
6 we can begin deliberations.

7 MR. SUNDLOF: Thank you, Chairman Chenal and  
8 Members of the Committee.

9 I've said a lot already, so I'm not going to  
10 say much in this closing.

11 I thank you for your attention. And this is an  
12 important project to Mesa. It's not an unusual project  
13 for SRP. As I mentioned, there are many customer  
14 installations. Just because of the voltage, this one  
15 came before you.

16 The Google project, as you've heard from Mesa,  
17 is a very, very important project. It is very  
18 competitive to get such a project in the City of Mesa,  
19 and I do hope that you do not try to interfere with the  
20 development plans of the City as we've tried not to by  
21 locating the switchyard on the north side.

22 Other than that, I think it's a good project.  
23 If you want to call it a corridor, that's fine. If you  
24 don't want to call it expanded substation, that's fine.

25 But I do want to be able to facilitate, as much

1 as we possibly can, the design specs of the customer as  
2 they have been given to us at SRP.

3 Thank you.

4 CHMN. CHENAL: Thank you, Mr. Sundlof.

5 Mr. Taebel.

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

7 On behalf of the City of Mesa, I would also  
8 like to thank you and the other members of the Committee  
9 for allowing us to participate on behalf of the municipal  
10 corporation, and it's --

11 CHMN. CHENAL: Aren't you glad you volunteered.

12 MR. TAEBEL: Actually, it's always an  
13 interesting experience, and I do appreciate the  
14 opportunity. So hopefully, I provided some assistance to  
15 you and the other members of the Committee.

16 As Mr. Sundlof mentioned, this is an important  
17 project to the City of Mesa. The City believes it will  
18 add significant value to the community.

19 I did a little math, and I think with the 100  
20 feet that was discussed this morning, the facts would be  
21 that the southernmost homes, if you add the existing  
22 corridor, the 100 feet, and the street, it would be a  
23 little over 500 feet, basically, from the sidewalk to the  
24 wall for the switchyard.

25 JD tells me that that's a fairly sizable buffer

1 for -- as buffers go. So I think the Committee should  
2 take that into consideration as well as the desires of  
3 the large customer that's potentially coming in here.

4 The City supports the issuance of a CEC for  
5 this project. And I think those are my comments.

6 Thank you.

7 CHMN. CHENAL: Thanks very much. And I know I  
8 speak on behalf of the Committee when we thank Mesa and  
9 its witnesses for appearing. It's been very helpful to  
10 us and will be very helpful in our deliberations. I know  
11 it wasn't always probably the most exhilarating part of  
12 your work week, but it was very helpful to us.

13 MR. SUNDLOF: Mr. Chairman.

14 CHMN. CHENAL: Yes.

15 MR. SUNDLOF: I just wanted to remind the  
16 Committee, that we, SRP and Mesa, have worked out a  
17 condition. And I think it deals with the uncertainties  
18 and how we'll address them going forward.

19 For example, there's a discussion of a wall on  
20 the east side.

21 CHMN. CHENAL: Of the substation or the  
22 property?

23 MR. SUNDLOF: Of the substation. But we don't  
24 even know if there will be buildings up there, and the  
25 buildings could block it. And so we need to work -- as

1 the project becomes clearer, we need to work together  
2 with the City and the community. We will accept the idea  
3 of a 12-foot wall on the north side, and we will work  
4 with the City -- maybe they don't want a 12-foot wall. I  
5 mean, maybe we'll end up with something different. But  
6 we'll commit to a maximum of a 12-foot wall. And if the  
7 City and the community and SRP and the customer come up  
8 with different mitigation, that also might work.

9           When you're looking at a -- even if it's a  
10 no-climb fence, that is a mitigation measure itself. And  
11 so I just say let's keep some flexibility. We're willing  
12 to do what we need to do as we always have. But as we  
13 did with Price Road, we would prefer the approach that we  
14 have worked out with the City to do this in the future.

15           CHMN. CHENAL: Thanks, Mr. Sundlof. And I know  
16 we'll be reviewing that condition. And I have a  
17 condition that addresses that situation, which I alluded  
18 to yesterday.

19           So now we begin the deliberations. And I think  
20 we discussed -- I think we want to discuss in the  
21 deliberations a number of things. Normally, we go  
22 through the CEC from the beginning, and we work through  
23 basically paragraph by paragraph of the introduction, the  
24 narrative. And then we work through the conditions one  
25 by one. And we get to the end, and we discuss what the

1 exhibits should look like regarding the legal description  
2 or maps or a combination for the corridor and things like  
3 that.

4 I'm thinking in this case -- what does the  
5 great philosopher on our Committee say, Member Haenichen:  
6 From afar, see the end from the beginning. Look afar and  
7 from afar see the end from the beginning. Okay.

8 So maybe we should discuss the location of the  
9 switchyard just generally before we dive into the  
10 document. Because I know we have -- based on the  
11 comments that have been made in the hearing, I think  
12 there's different feelings on that. And not that we have  
13 to decide that issue, but we're going to have that  
14 discussion sometime. That's definitely going to be a  
15 more difficult discussion and I think decision.

16 So I think maybe we should start with that, see  
17 how it goes, and then get back to the document. And we  
18 know there's going to be some wordsmithing with that.  
19 The issues that Member Noland brought up, the condition  
20 that the applicant has. I have a few that I've  
21 suggested, and I'll have another one dealing with a wall  
22 around the switchyard in the absence of a perimeter wall  
23 around the property.

24 So I just want to open up to the Committee, and  
25 let's start the discussion on the switchyard, the

1 location. It seems like there's two candidates. One is  
2 the location proposed by the applicant. The other is  
3 south of the school facilities. And we've heard  
4 discussion and testimony on why the applicant, and Mesa,  
5 for that matter, is pushing for the switchyard as  
6 depicted on SRP-3.

7 So, Members.

8 Member Woodall.

9 MEMBER WOODALL: I am strongly opposed to  
10 moving the location of the switchyard from where it has  
11 been depicted on our to-be Exhibit A or B to the CEC.  
12 The project website, my understanding is, has only  
13 described this area as the location for the switchyard.  
14 I don't think that we know enough, based on the record  
15 that we have, to start moving the switchyards around.

16 So I will not support anything that moves the  
17 switchyard south of Gilbert. Now, others feel  
18 differently, and I understand that. But I need to come  
19 right out of the box and say I won't vote for that.

20 MEMBER PALMER: Mr. Chairman.

21 CHMN. CHENAL: Yes. Member Palmer.

22 MEMBER PALMER: I'll jump in early and throw in  
23 my 2 cents' worth. I think this Committee, we're always  
24 asked to walk a fine line. We are required to balance  
25 the needs and desires to protect the public but also to

1 protect the growth of our economy and businesses and  
2 things that work. And that's sometimes a very delicate  
3 balance.

4           As I have looked at this regional overview up  
5 here, it appears that this may not be the first but will  
6 be one of many interactions in city growth where  
7 residential and industrial and commercial property meet.  
8 And as communities grow, that is inevitable. And if you  
9 look at that vast swath of land to the south, part of  
10 which has already been designated as a technology  
11 corridor, we're kind of on the front edge of that  
12 interaction that always can create some concerns. But I  
13 think our role is to balance protecting the public,  
14 protecting their needs, but also protecting the ability  
15 of cities and communities to grow and sustain themselves,  
16 for our economy to grow, not only for the city of Mesa,  
17 but for the entire state of Arizona. And that part is  
18 also very important, and we have to balance those things.

19           I think as the community members looked at the  
20 illustrated viewsheds, all that was on that were some  
21 poles and a switchyard. There were no illustrations of  
22 what this campus is going to look like, to my  
23 recollection. And so they were seeing a stark switchyard  
24 being placed in their front yard.

25           But I think -- my opinion is, as we take this

1 as a whole and recognize that if this switchyard is  
2 screened by a fairly substantial block wall, whatever  
3 that may look like, whether it's a perimeter wall or a  
4 switchyard wall, and it's put against the backdrop of the  
5 whole, very large buildings, it becomes a relatively  
6 insignificant part of the viewshed. Not that it isn't  
7 part of it. It is. But there's going to be a greater  
8 viewshed issue here as this project is built out. It's  
9 no longer going to be an open field, irregardless of what  
10 our decision today is. That viewshed is going to change  
11 drastically.

12           And so for my 2 cents' worth, I think -- and I  
13 want to also point out, I also recognize how difficult it  
14 is and how competitive it is to attract a customer like  
15 Google to do something like this. And I know the City of  
16 Mesa is in a very delicate position of trying to keep  
17 their customer happy and see this project go forward,  
18 while also being responsible to their citizens.

19           So for my 2 cents' worth, I think it can be  
20 mitigated. I think, taken as a small piece of this  
21 project, it's not that great of a viewshed issue once  
22 it's all built out, and I would be in favor of -- while I  
23 recognize the desires to move it, I think it creates  
24 other issues, and I would be in favor of leaving the  
25 switchyard where it is.

1 CHMN. CHENAL: Thank you, Member Palmer.

2 Member Riggins.

3 MEMBER RIGGINS: So I would like to echo Member  
4 Palmer and Member Woodall's comments.

5 I think a lot of what we heard from the public  
6 comments, those who recognize that moving this up -- or  
7 the switchyard south may not be an option, that a barrier  
8 or some sort of transition zone -- and I think one of the  
9 gentlemen actually commented, you know, there should be  
10 some sort of transition between the running path, that  
11 area, and then whatever sort of industrial facilities are  
12 going to be built.

13 And I think the applicant has done a good job,  
14 at least of recognizing and moving that switchyard back,  
15 even if it was -- you know, given the total acreage, it  
16 was a small portion, but it still isn't offset enough  
17 from the running path and the homes. And I think with  
18 the addition of a barrier, I think it answers a lot of  
19 the public comment. Not necessarily that we're moving it  
20 completely, but we are adding some barrier, something to  
21 recognize what we are hearing from public comment.

22 And, also, as Member Palmer pointed out, I  
23 think, in the grand scheme of things, there are going to  
24 be viewshed issues. There are going to be massive  
25 buildings built on this site. And a lot of the

1 renderings we've seen don't include that because we don't  
2 know what's going to be there.

3 But I think, ultimately, the switchyard may  
4 even be masked by the 150-foot or however tall buildings  
5 that are going to be behind it. It will be in the  
6 foreground. So it's just something to consider.

7 But I think leaving it in this spot, doing  
8 enough, having the conversations, including the public  
9 process as the site is developed to keep the switchyard  
10 there and add a barrier, a wall around it, an additional  
11 wall for the development, I think that's what I'm in  
12 favor of.

13 CHMN. CHENAL: Thank you, Member Riggins.

14 Member Haenichen.

15 MEMBER HAENICHEN: Thank you, Mr. Chairman.

16 Regarding the comments just made by my three  
17 colleagues on the Committee, I also feel that, given all  
18 the testimony we've seen and all the conditions we've  
19 considered, we can't move the switchyard to a lower  
20 location below the school building. It's just too late  
21 for that consideration.

22 But I hope their comments, when I said, "Leave  
23 it as it is," mean as it's been modified this morning by  
24 the presentation by the applicant of their attempt to  
25 move it as far south within the total space allocated

1 originally as possible.

2 So that's my desire.

3 CHMN. CHENAL: I'm happy to jump in here,  
4 unless someone else wants to.

5 Member Noland.

6 MEMBER NOLAND: Mr. Chairman, I thought about  
7 this a lot last night, and I'm not absolutely sure it  
8 needs to be moved south of the school yard. I think the  
9 screening is the most important part. But what bothers  
10 me is when we're told not to interfere with somebody's  
11 plan, that we have no option. And that's our job, is to  
12 make the best decision based on all of the factors that  
13 are involved in this, viewshed, all of that. That's what  
14 goes against the grain with me, and I've heard that more  
15 than once in this hearing.

16 So, you know, we're all willing to work on  
17 this. We always are. We want to look at all the  
18 options. But to tell us we have no options but to take  
19 what they are giving us tends to grate on my nerves.

20 CHMN. CHENAL: Member Hamway, did you have a  
21 comment?

22 MEMBER HAMWAY: My comment is basically that I  
23 agree with Mr. Palmer in that I think through the  
24 landscaping that's currently there -- I mean, the  
25 corridor is a beautiful, well-groomed beautiful amenity,

1 actually, for those residents. And I think by the  
2 adjustments of moving it another 120 feet south is an  
3 improvement so you have 5- or maybe even 550 feet of a  
4 corridor there.

5 So I'm not -- I'm not that interested in moving  
6 it south of the school yard because I think the massing  
7 of those buildings is going to surprise even the most  
8 seasoned planner when it starts coming out of the ground.

9 If you want a visual of what a 150-foot  
10 building looks like, all you have to do is travel north  
11 on the 101 and look at the Salt River Pima Talking Stick  
12 Resort. That's 200 feet. So those buildings will be 50  
13 feet shorter than those. And there are approximately  
14 potentially 22 of these buildings. So I think at this  
15 point, some screening, some vegetation. The switchyard  
16 is not going to be the most visible part of this  
17 viewshed.

18 CHMN. CHENAL: Thank you.

19 Member Gentles.

20 MEMBER GENTLES: So I would first start with  
21 saying I agree with Member Noland's comments about the  
22 comments expressed here that we are not to mess with the  
23 applicant's design. And we don't -- that's not the  
24 intent here.

25 I do also want to make sure that our Committee

1 and people here that represent the members of the public  
2 are not viewed as potted plants to be seen but not heard  
3 from. So I take my representation of the public very  
4 seriously, and I take that to heart.

5 I also do appreciate how important this project  
6 is. And I'd say I support the project. I think it's a  
7 fabulous project for our region. And I hope we can  
8 attract more.

9 That being said, I think we do have some  
10 responsibility to provide the voice and input from the  
11 general public, at least I do.

12 I'm not really in favor, I don't think it is  
13 practical, to move the switchyard. I considered it. I  
14 thought it would be a better placement south of that  
15 general maintenance facility. But, again, as Member  
16 Palmer said, we have to weigh, you know, all sides of  
17 this. And I agree with that completely. And he said it  
18 very eloquently.

19 So I am in favor of leaving it where it is with  
20 the setbacks and the modifications to the height of the  
21 wall and some other beautification opportunities there  
22 might be. Again, I do want to just say again that I  
23 agree with Member Noland that it's very difficult to get  
24 past comments of that nature when it's our job to be here  
25 representing the entities that we do.

1 Thank you.

2 CHMN. CHENAL: So I'm going to be the devil's  
3 advocate here.

4 I'd have no problem with moving it to the  
5 south, and I'll tell you why. There's no site plans.  
6 We're talking about 5 acres based on what's going to be  
7 in the north of the 50-foot zoning versus the 150-foot  
8 zoning to the south. That was SRP's initial view of the  
9 matter. Certainly, it makes the most sense to anyone  
10 looking at it I think aesthetically. I can't imagine  
11 that this is a dealbreaker for this project. I just  
12 can't imagine.

13 A lot of the testimony you heard from Mesa  
14 yesterday is that typically, these buildings are under 50  
15 feet. There are some examples for data centers where  
16 it's 65 or maybe 69. But most of it's two-story. The  
17 project we just had in Goodyear, I can't see how this 5  
18 acres, which is really what we're talking about, because  
19 of the 9 acres, roughly 10, we've already established  
20 based on the positioning of it, that something like 4.2  
21 is already going to be in the 150-foot zoning area. So  
22 we're talking about 5 acres out of 187. I haven't done  
23 the math, but that's a very small portion of it.

24 If we had Google that was here to testify and  
25 not just based on hearsay that that's an absolute deal

1 point, maybe I'd feel differently about it.

2 If we had site plans that showed exactly where  
3 the buildings are going to be located and because of the  
4 placement of these buildings, it was absolutely essential  
5 that, you know, the switchyard be placed where it's  
6 depicted, I'd feel differently about it.

7 But I -- you know, just based on Member  
8 Gentles' views, there were a lot of respectful people  
9 that were very concerned about the aesthetics of it. And  
10 I just can't imagine that moving it to the south is a  
11 deal point.

12 Having said that, I can vote in favor of it,  
13 keeping it where it is. I mean, obviously, we've heard  
14 what people said. But I'm going to want to see good  
15 language and good conditions, tight language, on  
16 mitigation factors. No loosey-goosey. Stuff that's  
17 really got teeth in it to protect the aesthetics of this  
18 project. I'm not anticipating there's going to be  
19 150-foot buildings back there because I think, based on  
20 what Mr. Beatty said, I think we should anticipate the  
21 buildings will be lower than that.

22 So I think some tight mitigation conditions  
23 would be helpful because if my understanding is correct,  
24 in terms of walls and screening of the switchyard, that's  
25 not something within Mesa's jurisdiction. It's really in

1 our jurisdiction. And so if it's not in the CEC, I'm not  
2 sure, you know, that it's realistic to expect that  
3 there's going to be the mitigation, at least a wall  
4 around the switchyard, as we've talked about.

5 So I guess that makes me the devil's advocate.  
6 Of course, it's easy to be the devil's advocate when  
7 you've seen the other members of the Committee say  
8 they're in favor of keeping the switchyard where it is.

9 Like I said, I can vote in favor of it, but  
10 it's going to require some significant mitigation  
11 factors, conditions to protect the viewshed.

12 CHMN. CHENAL: Member Hamway.

13 MEMBER HAMWAY: I'd like to respectfully  
14 disagree with you. I think it's naive to think that  
15 Google doesn't have a plan and doesn't understand the  
16 restrictions and will maximize its 150-foot building  
17 limit on every inch that's possible. So I don't want  
18 anyone leaving here thinking that these buildings are  
19 going to be 40, 50, 60 feet tall. They're going to be  
20 150 feet tall.

21 MEMBER GENTLES: Can I just mention one more  
22 thing.

23 CHMN. CHENAL: Sure.

24 MEMBER GENTLES: Let me say I'm okay with  
25 leaving it where it is with the modifications discussed.

1 My preference -- my preference is to move it south of  
2 that maintenance facility, it really is, because I think  
3 that mitigates at least the concerns of the public.

4 That being said, we're trying to weigh the --  
5 what's good for all parties involved. And so there's  
6 some compromise here, I think, that needs to occur. So I  
7 just want to make that clear.

8 And, secondly, it would be beyond me to think  
9 that Google has not already planned this whole -- the  
10 whole development out. So to say that they don't really  
11 know where buildings are going in on a billion-dollar  
12 project, that just doesn't pass test to me.

13 So they can keep moving development around or  
14 moving buildings around based on what happens here, but  
15 for somebody to tell me they that haven't planned this  
16 out and know exactly what's going to happen on that 187  
17 acres, that just doesn't make sense to me.

18 CHMN. CHENAL: And I guess my comment to that  
19 would be, it would have been nice to have someone from  
20 Google here to lay out what the site plan would be, then.  
21 And then we would know exactly if they have that  
22 information and to know where the buildings are going to  
23 be positioned and, you know, the height and information  
24 like that.

25 Member Noland.

1           MEMBER NOLAND: Mr. Chairman, having done  
2 dozens of land plans, rezonings, approved them through  
3 cities, been on the other side, on a city side, I know  
4 they want to put it here to maximize the use of the  
5 50-foot height limit, No. 1.

6           No. 2, if they were really doing a good plan  
7 and they wanted that there or wanted it somewhere else,  
8 they could put their parking in the 50-foot area. They  
9 could put a lower-level height administrative building.

10           If I were next -- when I have done projects,  
11 apartment projects, shopping centers, hotels, what we  
12 have done is staggered the heights of buildings from  
13 where the residences are to buffer somewhat. So you do a  
14 40- or 50-foot building, then back up and do a 60-, 70-,  
15 80-, 100-foot building.

16           But that's good land planning. That's  
17 respectful land planning. I'm not saying this is  
18 disrespectful, but saying this is the one and only site  
19 that will be considered and that we're not to interfere  
20 just doesn't make good planning sense to me. It doesn't  
21 make good neighbor sense to me to the neighbors to the  
22 north and the east.

23           CHMN. CHENAL: All right. Now that we got that  
24 out of our system, cage fight.

25           I'm going to suggest we take just a 15-minute

1 break, and then we can set up the two versions of the  
2 CEC. And then when we come back, we'll delve into the  
3 actual language of the CEC and move through as we  
4 normally do. There will be a little discussion, I think,  
5 on the project description based on the conversation we  
6 had about some of the definitions. I think we'll move  
7 quickly through the conditions, but we'll probably have  
8 some discussion about the additional condition that Mesa  
9 and the applicant have and one that I have.

10 So we'll take a 15-minute break, and then we'll  
11 resume.

12 Thank you.

13 (A recess was taken from 10:42 a.m. to  
14 11:17 a.m.)

15 CHMN. CHENAL: All right. Let's go back on the  
16 record, and we'll continue with deliberations.

17 On the left side of the screen is the  
18 applicant's requested CEC with some edits that I had made  
19 with some conditions that you'll see in red that -- some  
20 are applicable and some may not be. It's just for  
21 discussion. We'll also reference some CECs with similar  
22 provisions.

23 On the right-hand side is the same document,  
24 but we will be revising -- the revisions we make to the  
25 left side of the screen, which is Exhibit 65, which will

1 be SRP-65, we'll make on the right screen, which will be  
2 Exhibit SRP-66.

3 And as we go through and make revisions and  
4 finally approve it, at the end, when we finally -- do the  
5 final vote, that will become the wording of the CEC,  
6 assuming we vote in favor of it.

7 So, as we always do, let's start with going  
8 through page -- I'll be referring to the screen on the  
9 left. If I don't say Exhibit 65, that's what I'll be  
10 referring to.

11 Let's see look at lines 15 through 21 and  
12 see -- take a moment to read it and see if there's any  
13 changes we want to make to it. We obviously have to fill  
14 in -- I think today's date is the 7th, so we would make  
15 that November 7th on the right-hand screen.

16 MEMBER WOODALL: Mr. Chairman, I would propose  
17 that the Committee authorize you to make any technical  
18 and conforming language changes to this so that if you  
19 identify something after we've done our work that you be  
20 empowered to make those changes.

21 CHMN. CHENAL: Thank you, Member Woodall.

22 Is that a motion?

23 MEMBER WOODALL: Yes. So moved.

24 CHMN. CHENAL: Second?

25 MEMBER HAMWAY: Second.

1 CHMN. CHENAL: We have a motion and second.

2 All in favor say "aye."

3 (A chorus of "ayes.")

4 CHMN. CHENAL: All right. Thank you very much.

5 Any other changes to page 1, lines, say, 15

6 through 22?

7 (No response.)

8 CHMN. CHENAL: All right. May I have a motion

9 to approve?

10 MEMBER PALMER: So moved.

11 MEMBER HAMWAY: Second.

12 CHMN. CHENAL: We have a motion and second.

13 All in favor say "aye."

14 (A chorus of ayes.)

15 CHMN. CHENAL: Just so the record's clear,

16 we're simply voting on the form of the document, not the

17 -- not a final vote on whether to approve it or not.

18 So, again, page 1, lines 23 through the bottom

19 of the page. Any changes there?

20 If not, may I have a motion to approve?

21 MEMBER WOODALL: So moved.

22 CHMN. CHENAL: And a second?

23 We have a motion and second.

24 All in favor say "aye."

25 (A chorus of ayes.)

1 CHMN. CHENAL: Let's go to page --

2 MEMBER PALMER: Mr. Chairman.

3 CHMN. CHENAL: Yes, Member Palmer.

4 MEMBER PALMER: Just a note that Mr. Villegas  
5 is listed in the members attending. That will need to be  
6 corrected.

7 CHMN. CHENAL: Okay. So let's look at lines 1  
8 through 10. And we'll make that change removing Member  
9 Villegas.

10 Any other changes?

11 (No response.)

12 CHMN. CHENAL: May I have a motion to approve?

13 MEMBER WOODALL: So moved.

14 CHMN. CHENAL: Second?

15 MEMBER PALMER: Second.

16 CHMN. CHENAL: All in favor say "aye."

17 (A chorus of ayes.)

18 CHMN. CHENAL: Let's make sure we use our  
19 microphones so we hear the comments.

20 Page 1, lines 11 through -- let's make it 13.

21 Or page -- line 15.

22 I'm sorry. Page 2, lines 11 through 15.

23 Any changes to that language?

24 (No response.)

25 CHMN. CHENAL: May I have a motion?

1 MEMBER WOODALL: The only thing I would say is  
2 we've called out who represented the applicant, and we  
3 didn't identify Mr. Taebel's name as the City of Mesa.  
4 And I don't know if he has a position on that.

5 MR. TAEBEL: I would like to get credit for  
6 being here.

7 (Laughter.)

8 MEMBER WOODALL: So I would suggest --

9 MR. TAEBEL: Thank you, Member Woodall.

10 MEMBER WOODALL: -- right on line 15, we would  
11 say: "The City of Mesa joined as a party and was  
12 represented by Wilbert Taebel."

13 That's what I would suggest, unless you have a  
14 different suggestion, Mr. Taebel.

15 MR. TAEBEL: No. Thank you.

16 MEMBER WOODALL: Okay. Thanks.

17 CHMN. CHENAL: Member Woodall, is that where  
18 you wanted your -- the "represented by Wilbert Taebel"  
19 language, or did you want it after the statute? I think  
20 you said you wanted it after the statute.

21 MEMBER WOODALL: You've got a single sentence  
22 there "joined as a party." So I would just add a comma,  
23 and "was represented by Mr. Wilbert Taebel." But I  
24 don't -- I have no strong feelings one way or the other.

25 CHMN. CHENAL: Just the point of language, it's

1 the "represented by Wilbert Taebel pursuant to" the  
2 statute. Actually, that -- the statute modifies  
3 joining -- Mesa joining as a party. So I just wonder if  
4 it would be better to put ...

5 MEMBER WOODALL: I really have no strong  
6 opinion on the matter. I just think it would be proper  
7 to have Mesa represented by Mr. Taebel.

8 MR. TAEBEL: I think put it after the statutory  
9 reference.

10 CHMN. CHENAL: Yeah. Okay. If we could make  
11 that change.

12 All right. Very good. So page 2, lines 11  
13 through 16, with the modification of Member Woodall.

14 May I have a motion?

15 MEMBER HAMWAY: So moved.

16 CHMN. CHENAL: And a second?

17 MEMBER PALMER: Second.

18 CHMN. CHENAL: All in favor say "aye."

19 (A chorus of ayes.)

20 CHMN. CHENAL: Thank you very much. And then  
21 let's scroll down and see if we can include -- let's pick  
22 up lines -- well, I'll be referring to the left hand --  
23 excuse me, the right hand -- nope, left-hand side of the  
24 screen, sorry, but that's static, and the right hand will  
25 constantly change.

1           Looking at 65, lines 16 through 20. We'll have  
2 to keep the vote for now undecided. But anything else,  
3 are there any other changes to that language?

4           If not, may I have a motion?

5           MEMBER PALMER: Motion to approve.

6           MEMBER HAMWAY: Second.

7           CHMN. CHENAL: Motion and second.

8           All in favor say "aye."

9           (A chorus of ayes.)

10          CHMN. CHENAL: Now, let's look at page 2, lines  
11 21 through 27. And the topic heading is Overview Project  
12 Description. We had a discussion earlier, so let's read  
13 it and see if we want to change some of the language  
14 there.

15          MEMBER WOODALL: And, Mr. Chairman, if the  
16 applicant has some verbiage for here, I'd certainly like  
17 to hear that so we can consider that as part of our  
18 deliberations.

19          CHMN. CHENAL: Sure.

20          MR. SUNDLOF: Would you like me to respond now?

21          CHMN. CHENAL: Sure.

22          MR. SUNDLOF: We have a couple things:

23                 First, there was a request for a legal  
24 description. So this is the first time we refer to the  
25 187 acres. And we might put in there "as more fully

1 described in Exhibit B" because the legal description is  
2 several pages.

3 And then, when there's a description of  
4 facilities, we might have a reference to subpart C below  
5 which describes the facilities. So "as described in  
6 subpart C," so that we don't have an ambiguity there.

7 CHMN. CHENAL: So you're referring,  
8 Mr. Sundlof, to the word "facilities" on line 26 on  
9 page --

10 MR. SUNDLOF: Member Noland pointed out that  
11 that's ambiguous, and it's because we haven't defined  
12 "facilities" yet. So comma "as more fully described in  
13 part C below," and then go on.

14 CHMN. CHENAL: Member Noland, does that address  
15 the definition of "facilities"?

16 MEMBER NOLAND: So far.

17 CHMN. CHENAL: And I think you also, Member  
18 Noland, had a question or a concern about the phrase  
19 "expanded substation."

20 MEMBER NOLAND: I do. As I said, are we doing  
21 a switchyard or are we doing an expanded substation? I  
22 don't know what we're doing here based on this language.

23 MEMBER HAMWAY: Mr. Chairman, I agree with  
24 Member Noland on the terminology of "expanded  
25 substation."

1 MR. SUNDLOF: Mr. Chairman, we don't have any  
2 problem with taking that out. We could just say:  
3 "Contemplates the construction of facilities located  
4 entirely on 187 acres." And then we could define  
5 "facilities" at that point. I think that would be  
6 better.

7 CHMN. CHENAL: Would that resolve the concern,  
8 Member Noland and Member Hamway?

9 MEMBER NOLAND: Mr. Chairman, it depends on  
10 what we have under "facilities." That's the whole key  
11 here.

12 We're only looking at the switchyard. We're  
13 not locating transformers. We're not locating  
14 substations. We're not locating poles. We haven't had  
15 any say in that. So it just depends on what happens in a  
16 subsequent paragraph.

17 MEMBER WOODALL: One thing I might suggest is  
18 when you get to the next page and you're talking about  
19 subsection C, there's language that reads: "Specifically  
20 the project will consist of these components."

21 Perhaps you could change that to "these  
22 facilities," and then you've got some linkage.

23 MR. SUNDLOF: That was my plan when we get  
24 there.

25 MEMBER WOODALL: I'm sorry I stole your

1 thunder, Mr. Sundlof.

2 MR. SUNDLOF: You know, you can have it.

3 CHMN. CHENAL: As we go through and we vote on  
4 this language, let's make clear that we can always go  
5 back and revise it.

6 So on page 2, lines 22 through 27, with the  
7 language that's been added, is there further discussion?

8 (No response.)

9 CHMN. CHENAL: If not, may I have a motion?  
10 Member Hamway.

11 MEMBER HAMWAY: I think "facilities" needs to  
12 refer back, like Mr. Sundlof said, to subsection C or  
13 whatever it is. I don't -- because we haven't defined  
14 "facilities" there, so I think you could say "see below"  
15 or whatever technically is legally correct to describe  
16 the facilities.

17 CHMN. CHENAL: Okay. That's a good addition.

18 And with that additional language, any further  
19 discussion?

20 (No response.)

21 CHMN. CHENAL: If not, may I have a motion to  
22 approve?

23 MEMBER HAMWAY: So moved.

24 CHMN. CHENAL: May I have a second?

25 MEMBER WOODALL: Second.

1 CHMN. CHENAL: We have a motion and a second.

2 All in favor say "aye."

3 (A chorus of ayes.)

4 CHMN. CHENAL: Thank you.

5 Let's go to page -- this is now page 3. I'm  
6 looking at the left screen, Exhibit 65.

7 MEMBER NOLAND: Mr. Chairman, well, I think we  
8 need to replace the language "expanded substation."

9 CHMN. CHENAL: Okay. Line 1 -- I was going to  
10 say, let's consider page 3, lines 1 through 5.

11 So we'll remove the word "expanded substation,"  
12 and we'll use the word -- what, "facilities"?

13 All right, with that language change, any  
14 further discussion with the language page 3, lines 1  
15 through 5?

16 MEMBER WOODALL: We might as well just change  
17 "components" to "facilities" since we're using that term  
18 throughout. Just a thought.

19 CHMN. CHENAL: Okay. And that's on line 3?

20 MEMBER WOODALL: Yes. I'm sorry.

21 CHMN. CHENAL: All right. Are there any other  
22 changes or any further discussion?

23 If not, may I have a motion to approve the  
24 language lines 1 through 5, page 3?

25 MEMBER PALMER: So moved.

1 MEMBER WOODALL: Second.

2 CHMN. CHENAL: We have a motion and second.

3 All in favor say "aye."

4 (A chorus of ayes.)

5 CHMN. CHENAL: Okay. Now, let's move to lines  
6 6 through 13 on page 3 under the heading Approved Project  
7 Description.

8 MEMBER GENTLES: Mr. Chairman, do we need to  
9 have a conversation around line 12: "Applicant is free  
10 to place the facilities at any location within the  
11 Property"?

12 CHMN. CHENAL: I think we do, because even the  
13 applicant is saying that the switchyard is to be  
14 specifically located.

15 So is that what you're addressing, Member  
16 Gentles?

17 MEMBER GENTLES: It is. And to Member Noland's  
18 statement yesterday, that's just a pretty wide-open  
19 statement.

20 CHMN. CHENAL: Well, I guess that is what the  
21 applicant is asking for, but I think the applicant is not  
22 asking to place the switchyard at any location within the  
23 property but is asking for any other facilities to be  
24 able to be placed anywhere on the property.

25 And maybe I could ask Mr. Sundlof to confirm

1 that.

2 MR. SUNDLOF: That's correct. And we would  
3 be -- I think it's appropriate here to put that the  
4 switchyard shall be located approximately as shown on  
5 Exhibit A, and then all other facilities will be located  
6 anywhere on the property.

7 CHMN. CHENAL: Membr Haenichen.

8 MEMBER HAENICHEN: But what about the  
9 discussion we had at the beginning of this meeting this  
10 morning where you presented a new -- slightly new  
11 positioning of the switchyard in the space?

12 MR. SUNDLOF: That's correct.

13 MEMBER HAENICHEN: I want that to be part of  
14 the record that that's what we're allowing.

15 MR. SUNDLOF: That's right. That should be in  
16 there. "And the switchyard shall be placed as far south  
17 as practical within the sited area."

18 CHMN. CHENAL: Well, let's put some language up  
19 there, Mr. Sundlof, that captures those thoughts.

20 MR. SUNDLOF: On line 12, after the period  
21 after twenty-two, let's put: "The switchyard shall be  
22 located in the area depicted in Exhibit A and shall be  
23 located as far south as practical within that area."

24 And then the rest -- "Applicant is free to  
25 place the other facilities at any location within the

1 Property."

2 MEMBER WOODALL: I would move that we adopt  
3 Mr. Sundlof's language there.

4 CHMN. CHENAL: Let's see if there's any other  
5 changes we need to address.

6 I see on line 12, the word "property" should be  
7 capitalized, I believe.

8 MEMBER HAMWAY: And, Mr. Chairman, on line 16,  
9 we need to say: "The Applicant is free to place  
10 remaining" or "other facilities."

11 MEMBER GENTLES: "Other."

12 MEMBER HAENICHEN: Eliminate "the."

13 CHMN. CHENAL: Or move -- put the word "the" in  
14 front of "other." "Is free to place the other  
15 facilities."

16 MEMBER HAENICHEN: Might we want to say, in the  
17 line above that, "as far south as practicable within the  
18 designated area"?

19 CHMN. CHENAL: Yes.

20 Any further discussion on the language on page  
21 3, lines 9 through -- 6 through 13?

22 Any further discussion, page 3, lines 6 through  
23 13?

24 May I have a motion?

25 MEMBER HAMWAY: So moved.

1 CHMN. CHENAL: Second?

2 MEMBER PALMER: Second.

3 CHMN. CHENAL: Motion and second.

4 All in favor say "aye."

5 (A chorus of ayes.)

6 CHMN. CHENAL: Thank you.

7 Let's go to page 3, lines 14 through 22.

8 MEMBER WOODALL: Move to approve.

9 CHMN. CHENAL: We have a motion to approve

10 lines 14 through 22.

11 MR. SUNDLOF: Can I -- I thought we were going

12 to change "components" to "facilities."

13 MEMBER WOODALL: Yes. That was my intention.

14 Sorry.

15 CHMN. CHENAL: So on line 16, it would be

16 "facilities."

17 Any further discussion, lines 14 through 22?

18 (No response.)

19 CHMN. CHENAL: May I have a motion?

20 MEMBER HAMWAY: So moved.

21 MEMBER WOODALL: Second.

22 CHMN. CHENAL: Motion and second.

23 All in favor say "aye."

24 (A chorus of ayes.)

25 CHMN. CHENAL: Thank you.

1           Now we move in the conditions. And we can  
2 simply refer to the conditions by number.

3           The exhibit on the left should be the same  
4 as -- the Exhibit 65 should be the same as Exhibit 66 so  
5 we're working on the same document. So if we could --  
6 all right.

7           MEMBER PALMER: Mr. Chairman, wasn't it 20  
8 years that the applicant --

9           CHMN. CHENAL: I just want to make sure we're  
10 set up to see this.

11           Can we reduce -- on 65, the left-hand screen,  
12 can we get all of Exhibit 1 shown on the screen? Or  
13 Condition 1.

14           Okay. Good. Perfect.

15           So, as in the past, I just want to emphasize,  
16 I'm not proposing that we go 10 years. The applicant has  
17 asked for 20. But in the past, the last application we  
18 considered for a data center was 10 years.

19           I think I've described in a case in the past  
20 that the Corporation Commission has kind of requested 10  
21 years because we had sometimes come up with less than 10  
22 years, and the applicant would have to come in and get an  
23 extension. And the reason was it would be less stress on  
24 the Staff and the Commission to have a hearing on  
25 extending it. So the request was made to make it 10

1 years.

2 I don't understand that suggestion to be that  
3 we can't consider a longer period based on the rationale.  
4 It was kind of like, if you make it 10 years, it will  
5 probably be less times the applicant has to come in to  
6 seek an extension. So I'm not advocating 10 years, but  
7 the Development Agreement I think is 30 years.

8 Correct me if I'm wrong, Mr. Taebel.

9 MR. TAEBEL: I think that's correct,  
10 Mr. Chairman. But I guess, on behalf of the City of  
11 Mesa, I'm comfortable with 10 years.

12 CHMN. CHENAL: But I think Mr. Sundlof rolled  
13 over and offered 15 without a struggle.

14 MR. SUNDLOF: That's correct.

15 CHMN. CHENAL: I'm good with 15, you know. But  
16 if the Commission has a different view of it, it's  
17 obviously up to the Committee here, I mean, to decide  
18 that length of the CEC.

19 MEMBER WOODALL: My sense would be to go with  
20 15 years. And if the Commissioners think that's too long  
21 or someone comes in and says no, it's too short -- this  
22 is really a Commission condition, I think.

23 CHMN. CHENAL: Is there -- so let's put 15  
24 years up on the right-hand screen and see how that sits  
25 with the Committee.

1 MEMBER HAMWAY: Mr. Chairman.

2 CHMN. CHENAL: Member Hamway.

3 MEMBER HAMWAY: Yes.

4 A question for Mr. Sundlof.

5 MR. SUNDLOF: Yes.

6 MEMBER HAMWAY: Did the property owner request  
7 20 years, or was that something the attorneys suggested  
8 might be appropriate?

9 MR. SUNDLOF: It is something the attorneys  
10 felt was appropriate. And I think it's for the reason  
11 that the Chairman said, that this is a long-term process,  
12 and we don't want to go back to the Commission if we  
13 don't have to for a hearing to extend.

14 And I think also in that thinking was the fact  
15 that this is all on the customer property. So it's not  
16 like we're going to have to acquire a right-of-way and  
17 that sort of thing. It's all on the customer property.  
18 So it might not be as important as it would be in other  
19 cases. But that was the attorneys.

20 CHMN. CHENAL: Member Noland.

21 MEMBER NOLAND: Mr. Chairman, it's the  
22 switchyard. It's not the entire project. We're not  
23 talking about a switchyard. And I thought they were  
24 supposed to start building this project sometime in the  
25 next five years. And they're not going to do it without

1 the switchyard. That's my only comment.

2 I don't care one way or the other, but the  
3 seems like an extensive amount of time.

4 CHMN. CHENAL: Well, my guess, to add to the  
5 comment, I think our statute governs this project. And  
6 our statute defines transmission lines as -- I think our  
7 statute covers the poles as well. So it's the switchyard  
8 for sure, but I think it's also the poles. So if this is  
9 a phased development, you can see the poles being added  
10 later on.

11 So 15 years -- if they don't build it within 15  
12 years, there's going to be new technology in place  
13 anyway, so they'll have missed the boat.

14 So Condition 1, in 15 years.

15 Is there any other -- I think there's a couple  
16 other places where we have to add 15.

17 With those changes, is there any further  
18 discussion on Condition 1?

19 If not, may I have a motion?

20 MEMBER HAMWAY: So moved.

21 CHMN. CHENAL: And a second?

22 MEMBER PALMER: Second.

23 CHMN. CHENAL: All in favor say "aye."

24 (A chorus of ayes.)

25 CHMN. CHENAL: Let's look at Condition 2, then.

1 MEMBER WOODALL: My only comment on 2 is the  
2 five-mile radius of the project. If we were talking  
3 about a vast expanse of high-voltage transmission lines,  
4 that would be appropriate. But I'm just wondering if  
5 it's appropriate here.

6 CHMN. CHENAL: Well, Member Woodall, this is  
7 what the applicant proposed, and it is consistent with  
8 prior cases.

9 And the cities and towns within a five-mile  
10 radius. I mean, I don't know how many there are -- Mesa  
11 and Gilbert, so we're talking about two towns.

12 MEMBER WOODALL: My general sense is that the  
13 form of condition -- form of CEC that is submitted to us  
14 is typically based on that which we have done in the  
15 past.

16 And I realize that the applicant proposed this,  
17 but I'm just really wondering whether or not it's  
18 necessary because it's going to be very expensive to do,  
19 and I don't know that it's going to serve a useful  
20 purpose.

21 So those are just my thoughts. I don't have  
22 strong feelings on it other than just, in general, I  
23 don't like for there to be conditions that aren't  
24 relevant or serve no useful purpose, but ...

25 CHMN. CHENAL: Well, I guess my response to

1 that is it's notifying Gilbert and Mesa, which is a  
2 postage stamp. I don't think it's difficult. And there  
3 is a requirement in the statute. The statute  
4 contemplates notification to an affected jurisdictions.  
5 So I guess in the application and in the CEC, I think  
6 it's provided to the affected jurisdictions.

7 And then, if the applicant wants to modify the  
8 project, I guess I don't think it's unfair. It's not a  
9 burden at all on the applicant to provide the notice to  
10 Gilbert. Mesa will know about it, but we're just talking  
11 about notifying Gilbert.

12 MEMBER WOODALL: This is not something I wanted  
13 to fall on my sword about. I just wanted to point it  
14 out, and I would defer to whatever the rest of the  
15 Committee wanted to do.

16 CHMN. CHENAL: All right. So any further  
17 discussion on Condition No. 2?

18 MEMBER HAENICHEN: I'll move it as written.

19 CHMN. CHENAL: All right. We have a motion.  
20 Do we have a second?

21 MEMBER PALMER: Second.

22 CHMN. CHENAL: All in favor say "aye."

23 (A chorus of ayes.)

24 MEMBER WOODALL: Pass.

25 CHMN. CHENAL: Okay. Let's go to Condition No.

1 3.

2 We'll have to take this in segments. Let's  
3 look at Condition 3 down to subpart (b).

4 You'll notice I made one change on line 3,  
5 "agencies and subdivisions," and that's to be consistent  
6 with other conditions where we use the word "agencies and  
7 subdivisions."

8 I don't know if it makes a big difference, but  
9 I think "and" is better than "or." Other than that  
10 slight change, that is a provision that the applicant has  
11 proposed.

12 Any other discussion on Condition 3, at least  
13 down to subpart (b)?

14 MEMBER PALMER: Motion to approve.

15 MEMBER WOODALL: Second.

16 CHMN. CHENAL: Motion and second.

17 All in favor say "aye."

18 (A chorus of ayes.)

19 CHMN. CHENAL: Thank you.

20 Let's look at the rest of Condition 3, (c)  
21 through (e). And I had no changes on that.

22 Any other discussion about the changes on  
23 Condition 3?

24 MEMBER WOODALL: So moved.

25 MEMBER HAENICHEN: Second.

1 CHMN. CHENAL: Motion and second.

2 All in favor say "aye."

3 (A chorus of ayes.)

4 CHMN. CHENAL: Okay. Let's move to Condition  
5 No. 4.

6 I suggested adding "their agencies and  
7 subdivisions." And I believe -- I can't swear, but I  
8 believe the language I'm suggesting is consistent with a  
9 condition in a previous case. But the concept is clear  
10 that we're referring to the cities as well as their  
11 subdivisions.

12 So any discussion with Condition 4?

13 If not, may I have a motion?

14 MEMBER WOODALL: I just wanted to say I think  
15 this is superfluous. We have already said it previously.  
16 But, you know, that's my general perspective on these  
17 things. We don't need belt, suspenders, velcro, and  
18 safety pins.

19 CHMN. CHENAL: Okay. Any further discussion on  
20 4?

21 If not, may I have a motion to approve  
22 Condition 4?

23 MEMBER HAMWAY: So moved.

24 CHMN. CHENAL: Second?

25 MEMBER RIGGINS: Second.

1 CHMN. CHENAL: Motion and second.

2 All in favor say "aye."

3 (A chorus of ayes.)

4 MEMBER WOODALL: Pass.

5 CHMN. CHENAL: All right. Condition 5. Unless  
6 you see changes, these are conditions proposed by the  
7 applicant.

8 So Condition 5. Any discussion?

9 If not, may I have a motion?

10 MEMBER PALMER: Motion to approve 5.

11 CHMN. CHENAL: May I have a second?

12 MEMBER WOODALL: Second.

13 CHMN. CHENAL: All in favor say "aye."

14 (A chorus of ayes.)

15 MEMBER WOODALL: The reason I'm saying "aye"  
16 here is guidelines are not the same as statutes and  
17 ordinances, and I think it's a useful addition.

18 CHMN. CHENAL: I'm sorry, Member Woodall?

19 MEMBER WOODALL: I just wanted to explain I  
20 don't have an inconsistent position here. Now we're  
21 talking about guidelines, not statutes and ordinances.  
22 It's an extra thing we're asking them to do, so I have no  
23 objection to its inclusion.

24 CHMN. CHENAL: All right. 6. Let's look at 6.

25 Any further discussion on Condition 6?

1 (No response.)

2 CHMN. CHENAL: If not, may I have a motion?

3 MEMBER HAMWAY: So moved.

4 MEMBER HAENICHEN: Second.

5 CHMN. CHENAL: We have a motion and second.

6 All in favor say "aye."

7 (A chorus of ayes.)

8 CHMN. CHENAL: All right. Let's look at No. 7.

9 MEMBER HAENICHEN: I'll move 7 as is.

10 CHMN. CHENAL: With the language reference to  
11 the State Historical Preservation Office?

12 MEMBER HAENICHEN: Yes.

13 CHMN. CHENAL: Any further discussion on -- may  
14 I have a second?

15 MEMBER PALMER: Second.

16 CHMN. CHENAL: Any further discussion on  
17 Exhibit -- excuse me, Condition 7?

18 All in favor say "aye."

19 (A chorus of ayes.)

20 MEMBER WOODALL: Pass.

21 CHMN. CHENAL: Okay. Let's go to No. 8,  
22 dealing with native plant salvage requirements.

23 Any discussion regarding Condition 8?

24 If not, may I have a motion --

25 MEMBER HAMWAY: So moved.

1 CHMN. CHENAL: -- to approve?  
2 And a second?  
3 MEMBER RIGGINS: Second.  
4 CHMN. CHENAL: A motion and a second.  
5 All in favor say "aye."  
6 (A chorus of ayes.)  
7 MEMBER WOODALL: Pass.  
8 CHMN. CHENAL: Okay. Condition 9.  
9 This deals with radio and television  
10 interference.  
11 MEMBER HAENICHEN: Pretty standard.  
12 CHMN. CHENAL: It's standard.  
13 MEMBER HAENICHEN: I move it.  
14 CHMN. CHENAL: We have a motion.  
15 May I have a second?  
16 MEMBER PALMER: Second.  
17 CHMN. CHENAL: Motion and second.  
18 All in favor say "aye."  
19 (A chorus of ayes.)  
20 CHMN. CHENAL: Let's look at No. 10, dealing  
21 with human remains.  
22 Any further discussion?  
23 May I have a motion to approve?  
24 MEMBER PALMER: Motion to approve 10.  
25 CHMN. CHENAL: May I have a second?

1 MEMBER HAMWAY: Second.

2 CHMN. CHENAL: Motion and second.

3 All in favor say "aye."

4 (A chorus of ayes.)

5 MEMBER WOODALL: Pass.

6 CHMN. CHENAL: No. 11.

7 These are interesting changes that I came up  
8 with, Mr. Sundlof.

9 MR. SUNDLOF: I don't know why you made that  
10 change.

11 CHMN. CHENAL: I thought we were talking about  
12 SRP rather than TEP, but --

13 MR. SUNDLOF: We tried to sneak that one by  
14 you.

15 CHMN. CHENAL: We read these. And my able  
16 assistant, Marie Cobb, who's here today, reads these.  
17 You may get it past me, but I guarantee you're not going  
18 to get it past her.

19 With those changes, any further discussion on  
20 Condition 11?

21 MEMBER WOODALL: So moved.

22 CHMN. CHENAL: And a second?

23 MEMBER PALMER: Second.

24 CHMN. CHENAL: Motion and second.

25 All in favor say "aye."

1 (A chorus of ayes.)

2 CHMN. CHENAL: Condition 12.

3 MEMBER WOODALL: I would reiterate my concerns  
4 with the prior condition that had a 5-mile radius.  
5 That's all. I think it's unnecessary. It's superfluous.

6 MEMBER HAMWAY: Mr. Chairman, I agree. The 5  
7 miles seems excessive.

8 MEMBER GENTLES: Mr. Chairman, I think  
9 overcommunication is always good rather than hiding the  
10 ball.

11 MEMBER NOLAND: Mr. Chairman.

12 CHMN. CHENAL: Member Noland.

13 MEMBER NOLAND: It's 5 miles for cities and  
14 towns. It's a mile for residents. They're already doing  
15 that on for other things, so I think this is appropriate.

16 CHMN. CHENAL: And I think the only two cities  
17 and towns within 5 miles is Mesa and Gilbert.

18 MR. SUNDLOF: And Maricopa County.

19 CHMN. CHENAL: So it's hardly a burden on the  
20 applicant.

21 If it was 5 miles to notify residents, I would  
22 be more sympathetic that that would be a burden, but it's  
23 just cities and towns. And the applicant is obviously  
24 fine with it since the applicant proposed it.

25 So any further discussion on Condition 12?

1 MEMBER PALMER: Motion to approve 12.  
2 MEMBER GENTLES: Second.  
3 CHMN. CHENAL: We have a motion and second.  
4 All in favor say "aye."  
5 (A chorus of ayes.)  
6 MEMBER WOODALL: Pass.  
7 CHMN. CHENAL: Condition 13.  
8 Any further discussion?  
9 May I have a motion to approve?  
10 MEMBER HAMWAY: so moved.  
11 MEMBER HAENICHEN: Second.  
12 CHMN. CHENAL: Motion and second.  
13 All in favor say "aye."  
14 (A chorus of ayes.)  
15 CHMN. CHENAL: Thank you.  
16 14. Any further discussion on 14?  
17 MEMBER WOODALL: I don't know that it's  
18 relevant to this particular project.  
19 CHMN. CHENAL: Any further discussion?  
20 If not, may I have a motion to approve?  
21 MEMBER HAMWAY: So moved.  
22 MEMBER HAENICHEN: Second.  
23 CHMN. CHENAL: We have a motion and second.  
24 All in favor say "aye."  
25 (A chorus of ayes.)

1 MEMBER WOODALL: Pass.

2 CHMN. CHENAL: All right. 15, dealing with  
3 various regulatory groups.

4 Any further discussion?

5 If not, may I have a motion to approve?

6 MEMBER HAMWAY: So moved.

7 CHMN. CHENAL: And a second?

8 MEMBER PALMER: Second.

9 CHMN. CHENAL: We have a motion and second.

10 All in favor say "aye."

11 (A chorus of ayes.)

12 MEMBER WOODALL: Pass.

13 CHMN. CHENAL: 16, regarding regional  
14 transmission study forums.

15 Any further discussion?

16 If not, may I have a motion to approve?

17 MEMBER HAMWAY: So moved.

18 CHMN. CHENAL: And a second?

19 MEMBER HAENICHEN: Second.

20 CHMN. CHENAL: We have a motion and second.

21 All in favor say "aye."

22 (A chorus of ayes.)

23 CHMN. CHENAL: Condition 17.

24 MEMBER WOODALL: I had concerns about the  
25 inclusion of this condition for two reasons.

1           No. 1, there are no natural gas pipelines on  
2 the subject property or the area of the project.

3           And No. 2, Staff did not make a recommendation  
4 for inclusion of this condition. And I know generally  
5 that they have new management in the engineering  
6 department, and I was advised that they were going to be  
7 reexamining the correspondence that they sent to the  
8 Committee.

9           So I don't know, because I never talk to them  
10 about pending matters, but I would anticipate that this  
11 was not, you know, an accidental omission. So I don't  
12 think it should be in here.

13           CHMN. CHENAL: Well, let me respond.

14           Staff doesn't advise us to put any of the other  
15 conditions in, and we do. So I'm -- if Staff wants us to  
16 include a condition, I think we owe it to the Staff of  
17 the Corporation Commission to include it unless there's  
18 reasons that come out in a hearing why we shouldn't. But  
19 I don't read into that that if they don't request a  
20 particular provision that we shouldn't consider putting  
21 it in.

22           And in this case, this is a 15-year CEC. We  
23 have no idea how development is going to occur in the  
24 future. To me, this is a very serious safety matter, you  
25 know. And who's to say that there isn't going to be some

1 sort of gas lines that could be built 10 to 15 years down  
2 the road.

3           And I just think we err on the side of safety.  
4 It's a study. It's a study to make sure that the public  
5 is safe. And I just -- I can't, for the life of me,  
6 understand why we wouldn't put it in. The applicant is  
7 in favor of it or has proposed it. I think we've done it  
8 routinely. And I -- we haven't had any testimony, to my  
9 knowledge, as to whether or not there are pipelines  
10 within 100 feet of the property.

11           MEMBER WOODALL: Assuming there was some,  
12 but --

13           MR. TAEBEL: Mr. Chairman.

14           CHMN. CHENAL: Yes, Mr. Taebel.

15           MR. TAEBEL: I apologize that this didn't come  
16 up earlier, but the City of Mesa does operate the gas  
17 distribution system, and there is a 6-inch distribution  
18 gas pipe in Sossaman Road. So I just want to give that  
19 information to the members of the Committee.

20           CHMN. CHENAL: So there actually is a pipeline  
21 within 100 feet of the property?

22           MEMBER HAENICHEN: So it's in there. Let's  
23 leave it in.

24           CHMN. CHENAL: Any further discussion on  
25 Condition 17?

1 MEMBER WOODALL: My only other comment would be  
2 there's nothing in the record that would indicate that  
3 this is pertinent. And I have no other commentary on it.

4 MEMBER HAMWAY: I move we accept 17 as written.

5 MEMBER HAENICHEN: I second.

6 CHMN. CHENAL: Any further discussion?

7 All in favor say "aye."

8 (A chorus of ayes.)

9 MEMBER WOODALL: No.

10 CHMN. CHENAL: Mr. Taebel, there is a 6-inch  
11 gas pipeline on Sossaman Road? Is that what you just  
12 indicated?

13 MR. TAEBEL: Yes, Mr. Chairman.

14 CHMN. CHENAL: Thank you.

15 Next is 18. Can we pull up on the left  
16 screen -- probably have to reduce that to the point where  
17 you can't read it, but -- there we go.

18 Okay. This is the annual compliance  
19 certification letter.

20 Is there any further discussion?

21 The applicant has requested that it commence on  
22 November 1st, 2020. I don't have any problem with that,  
23 but I just point that out. Sometimes we have a  
24 discussion about when the compliance letter should begin.

25 So is there any further discussion on Condition

1 18?

2 MEMBER PALMER: Motion to approve 18.

3 MEMBER RIGGINS: Second.

4 CHMN. CHENAL: We have a motion and second.

5 All in favor say "aye."

6 (A chorus of ayes.)

7 CHMN. CHENAL: Condition 19.

8 Any further discussion?

9 If not, may I have a motion to approve?

10 MEMBER HAMWAY: So moved.

11 MEMBER PALMER: Second.

12 CHMN. CHENAL: We have a motion and second.

13 All in favor say "aye."

14 (A chorus of ayes.)

15 CHMN. CHENAL: Thank you.

16 Condition 20. I simply made a stylistic  
17 suggestion as to the words in writing. Unless anyone  
18 disagrees with that, is there any further discussion with  
19 Condition 20?

20 If not, may I have a motion to approve?

21 MEMBER HAMWAY: So moved.

22 MEMBER HAENICHEN: Second.

23 CHMN. CHENAL: We have a motion and second.

24 All in favor say "aye."

25 (A chorus of ayes.)

1 MEMBER WOODALL: Pass.

2 CHMN. CHENAL: Condition 21.

3 Any further discussion on Condition 21?

4 If not, may I have a motion to approve?

5 MEMBER HAMWAY: So moved.

6 CHMN. CHENAL: May I have a second?

7 MEMBER PALMER: Second.

8 CHMN. CHENAL: Motion and second.

9 All in favor say "aye."

10 (A chorus of ayes.)

11 CHMN. CHENAL: All right. Let's take a moment  
12 to look at 23.

13 Again, this is one that's been in previous  
14 cases. I'm not --

15 MR. SUNDLOF: Mr. Chairman, I did want to  
16 mention at this point that City of Mesa and SRP have come  
17 up with a joint 22 and 23. And if we could pass that  
18 out.

19 CHMN. CHENAL: Sure.

20 MR. SUNDLOF: Understanding that you're  
21 probably going to mess around with it, but that's what  
22 we -- we came up with something that we both agree to --

23 CHMN. CHENAL: Sure.

24 MR. SUNDLOF: -- that's a cooperative effort  
25 with the City.

1 CHMN. CHENAL: And that's very much  
2 appreciated. That's consistent with Member Woodall's  
3 request.

4 And just so the City knows, we look at these  
5 before the hearing, so I assembled this CEC with some  
6 provisions that may or may not be appropriate. But we  
7 put this together before hearing. And so, again, we're  
8 not proposing it. It's just for discussion.

9 So if we could have the condition that's  
10 proposed by the applicant and Mesa, we could consider  
11 that now.

12 Mr. Sundlof, are those going to be passed  
13 around?

14 MR. SUNDLOF: Apparently, we did not make  
15 copies. We can take a short break and make copies, or we  
16 can read them on the screen.

17 CHMN. CHENAL: Let's look at 22 and 23, and  
18 let's take a moment to read it.

19 MEMBER HAMWAY: Mr. Chairman, my only thought  
20 is that someone might assume that this is not an  
21 administrative process at this point with that language,  
22 and it has become an administrative process through the  
23 designation of an EO.

24 CHMN. CHENAL: Member Hamway, are you talking  
25 about -- which condition?

1 MEMBER HAMWAY: 22.

2 CHMN. CHENAL: And could you explain your  
3 comment again and maybe expand on it a little?

4 MEMBER HAMWAY: Sure.

5 When we rezoned it to be an EO, they took out a  
6 public hearing, and they made the site planning,  
7 design review, and permitting processes -- and they might  
8 have been administrative before that. But, certainly,  
9 the design review and the site planning, I think under  
10 the old zoning, where there was a public hearing. So by  
11 creating an EO on this property, they removed the public  
12 hearing, and they made the design review an  
13 administrative process.

14 Is that a true statement?

15 MR. TAEBEL: So the site planning process is  
16 administrative, but design review is still a public  
17 process.

18 CHMN. CHENAL: And, Mr. Taebel, what about the  
19 permitting processes? That's the building permit;  
20 correct?

21 MR. TAEBEL: Yeah. Not a public process.

22 MEMBER HAMWAY: And never was; right? Even  
23 with the old zoning?

24 MR. TAEBEL: Yes, true.

25 Although, I should say that many of the

1 permitting documents are available to the public through  
2 the City's website. So if you're interested in  
3 permitting documents, there's a system called DIMES. And  
4 you can register to become a -- to view it, and then you  
5 can view those records.

6 CHMN. CHENAL: Does that allay your concerns,  
7 Member Hamway?

8 MEMBER HAMWAY: Yeah. I just don't want anyone  
9 to think there's a lot of public input here.

10 CHMN. CHENAL: On 22, the point I would make  
11 is -- I think we addressed this earlier -- that the  
12 discretion is not with respect to the switchyard. So the  
13 facilities other than the switchyard, I think, would  
14 apply to this -- I mean, this condition would apply to  
15 those facilities. But I think the switchyard, we're  
16 pinpointing where that can be placed. So I think we have  
17 to modify the language somewhat.

18 MEMBER HAMWAY: It's fine. Nobody's going to  
19 read it anyway.

20 CHMN. CHENAL: Well, after the word "property,"  
21 maybe we put "other than the switchyard" or some language  
22 like that. I'm not sure that's the best way to state it,  
23 but that's the concept. I like the concept. I don't  
24 like the language the way it reads.

25 Does any Committee member share my concern, or

1 are you satisfied with that?

2 Any further discussion?

3 MEMBER PALMER: Just thinking out loud,  
4 Mr. Chairman, would it be possible to say "the  
5 orientation of the facilities on the property as defined  
6 in Exhibit" -- whatever that was.

7 CHMN. CHENAL: That would be Exhibit B --  
8 Exhibit A, I mean. It would be Exhibit A, I think.

9 MEMBER NOLAND: Mr. Chairman.

10 CHMN. CHENAL: Member Noland.

11 MEMBER NOLAND: Do we have a copy of Exhibit A  
12 and B?

13 CHMN. CHENAL: We do not -- I think we've seen  
14 a copy of Exhibit A. We've not seen Exhibit B.

15 MEMBER NOLAND: I'm not going to be able to  
16 vote on this anyway until I see those exhibits and  
17 determine what's in them.

18 CHMN. CHENAL: Absolutely.

19 MEMBER WOODALL: May I ask the applicant, is  
20 Exhibit A and B the legal drawing?

21 MR. SUNDLOF: Exhibit A we propose to be  
22 Exhibit 63, which you have.

23 Exhibit B will be the legal description that is  
24 several pages long. And I don't know if you have it or  
25 not.

1 MEMBER WOODALL: Thank you. I reversed the  
2 order. Thank you, Mr. Sundlof.

3 CHMN. CHENAL: So with that additional language  
4 from Member Palmer, any further discussion?

5 We're changing it.

6 MEMBER NOLAND: Mr. Chairman.

7 CHMN. CHENAL: Member Noland.

8 MEMBER NOLAND: Is Exhibit B going to better  
9 define Exhibit A's green line area of where the  
10 switchyard is going to be?

11 CHMN. CHENAL: I guess we have to ask the  
12 applicant.

13 My understanding is Exhibit B is going to be a  
14 legal description of a 187-acre parcel.

15 MR. SUNDLOF: That's correct. And Exhibit A  
16 shows the approximate location of the switchyard in a  
17 graphic format, not a legal format.

18 MEMBER WOODALL: And so that would be SRP  
19 Exhibit 63 admitted in evidence?

20 MR. SUNDLOF: Yes.

21 MEMBER WOODALL: Okay. Thank you, sir.

22 CHMN. CHENAL: Thoughts on Condition 22 as  
23 revised?

24 MEMBER GENTLES: Still not grammatically  
25 correct, but I think the concept is good.

1 MEMBER WOODALL: I have every confidence that  
2 the Chairman, with his powers, can make this language  
3 sing from a grammatical standpoint.

4 CHMN. CHENAL: Yes, I think we should get it  
5 right here, though.

6 MEMBER NOLAND: Mr. Chairman.

7 CHMN. CHENAL: Member Noland.

8 MEMBER NOLAND: Exhibit A does not define the  
9 switchyard. It just shows a square. So if we're going  
10 to define it, then we need to define it. Otherwise, just  
11 say "as depicted," not "defined." "As depicted in the  
12 square on Exhibit A."

13 MEMBER HAMWAY: I like that.

14 CHMN. CHENAL: I don't think --

15 MEMBER NOLAND: I was being facetious on that.  
16 You don't have to put in "square." "As depicted in  
17 Exhibit A." I was being sarcastic.

18 MEMBER HAENICHEN: Mr. Chairman, why are we  
19 spending so much time on this thing that nobody's going  
20 to read?

21 CHMN. CHENAL: I don't think the words "as  
22 depicted in Exhibit A" adds to the clarity of the  
23 provision.

24 MEMBER WOODALL: Can I try?

25 CHMN. CHENAL: Because the property is 187

1 acres. We have a legal description for it. The only  
2 thing -- I think we're at that point where we might want  
3 to take a break because I think it's -- I think we should  
4 have a break, and it will give us time to give a little  
5 more thought to the wording of Condition 22. I certainly  
6 have changes I would like to make to Condition 23 as  
7 written.

8 MEMBER WOODALL: May I try something?

9 CHMN. CHENAL: Member Woodall.

10 MEMBER WOODALL: I'm just thinking maybe if we  
11 said: "The Applicant will have the discretion to  
12 determine the orientation of the facilities on the  
13 Property other than the switchyard which is depicted in  
14 Exhibit A, consistent with." And then it's grammatically  
15 correct and makes sense.

16 MEMBER GENTLES: Can we put a period in there,  
17 please.

18 MEMBER WOODALL: I have no --

19 CHMN. CHENAL: Where?

20 MEMBER GENTLES: After "customer needs." We've  
21 got to break this up. I know it's legal language, but it  
22 doesn't make -- it just keeps going on and on.

23 CHMN. CHENAL: But, I mean, the subject "to" is  
24 what modifies the entire "discretion." Its discretion to  
25 place it with the needs. But that's all subject to the

1 rest of that sentence. So if we put a period there,  
2 we're breaking that modifier.

3 MEMBER HAMWAY: You know, I think I opened a  
4 can of worms, an unnecessary can of worms. So I don't  
5 think whether anybody's going to care whether it's a  
6 public process or an administrative process. I think  
7 that's just being nitpicky.

8 CHMN. CHENAL: I like the way Member Woodall  
9 has it. It captures.

10 MEMBER WOODALL: The switchyard that is  
11 depicted in Exhibit A.

12 MEMBER GENTLES: Mr. Chairman, that's fine.

13 CHMN. CHENAL: Any further discussion on  
14 Condition No. 22?

15 May I have a motion to approve?

16 MEMBER WOODALL: So moved.

17 MEMBER HAMWAY: Second.

18 CHMN. CHENAL: Motion and second.

19 All in favor say "aye."

20 (A chorus of ayes.)

21 CHMN. CHENAL: Now we're going to take a break.  
22 I think it's time for lunch.

23 MR. SUNDLOF: It's time for lunch. And we're  
24 having lunch in here, unfortunately, because our other  
25 room is taken, so we'll just have to make due.

1 CHMN. CHENAL: It's a little after -- 12:15,  
2 effectively. What's the pleasure of the Committee for  
3 lunch?

4 MR. SUNDLOF: Maybe we can go outside too.

5 CHMN. CHENAL: Let's take a 30-minute lunch  
6 break, and then we'll resume, get through the rest of the  
7 CEC.

8 (A recess was taken from 12:18 p.m. to  
9 1:18 p.m.)

10 CHMN. CHENAL: All right. Let's go back on the  
11 record and complete the process.

12 I think in the interim, we've had some -- the  
13 Exhibit B, which is a legal description to the property  
14 passed around. We can take that up in due course.

15 Member Noland, can we take this up in due  
16 course or when we get to the exhibits?

17 MEMBER NOLAND: Well, Mr. Chairman, Exhibit B  
18 is a description of the entire property. It is not a  
19 description of the switchyard site area.

20 Is that correct?

21 MR. SUNDLOF: That's correct.

22 CHMN. CHENAL: I think that's correct. I think  
23 that's correct.

24 So let's start into -- we'd left off with what  
25 the applicant and Mesa had proposed as Conditions 23 and

1 24.

2 And if we could put those back on the right  
3 screen, we had already dealt with -- do you want us to  
4 wait a minute? We'll wait a minute.

5 And I think I had said 23 and 24. I think I  
6 meant to say 22 and 23.

7 What's being handed out is applicant's 22 and  
8 23, the conditions.

9 22 has been revised in accordance with the  
10 discussion we had.

11 23 is the applicant and Mesa's condition with  
12 some changes that I'm proposing for discussion. We have  
13 it in front of us in a handout, and we now have it on the  
14 right screen in front of us.

15 In looking at what's been handed out, the  
16 additional language that I'm proposing -- I know it's a  
17 little hard to read -- the language -- it's hard to do it  
18 with -- I added the words "construct a twelve (12) foot  
19 wall along the north, east, and south side of the  
20 switchyard and otherwise mitigate the visual impact of  
21 the switchyard and other facilities on the Property."

22 Deleted the rest of the language, but kept in  
23 the sentence that the applicant and Mesa proposed: "In  
24 developing the mitigation plan, the Applicant and the  
25 City shall consider the development in the area and

1 security on the Property." It's -- track changes is a  
2 little hard to read here, but ...

3 I wonder if on the left screen, if we could go  
4 to the language that was originally submitted by Mesa and  
5 the applicant. It might be a little easier to follow it  
6 that way.

7 All right. Very good. The left side was what  
8 was proposed by the applicant and Mesa. And you can see  
9 I've proposed some different language and made changes to  
10 that language. I'll give you my reasons for it just to  
11 start the discussion.

12 The language of the applicant and Mesa  
13 discusses a good faith plan of -- my preference always in  
14 these conditions is to be as specific as possible.

15 "Appropriately screen the switchyard." We've  
16 had testimony that at least in the absence of a perimeter  
17 fence around the property, the applicant has already  
18 discussed a 12-foot wall around the switchyard is  
19 appropriate.

20 There was discussion about it on the north  
21 side. I think it should be at least the north and the  
22 east side. And their proposal also offers other --  
23 mitigation of visual impacts of not only the switchyard  
24 but other facilities on the property. I think that's a  
25 good offer and that we should have that in the condition.

1           The rest of the language is somewhat concerning  
2 to me in the sense that it suggests that "In developing  
3 the mitigation plan, the Applicant and the City shall  
4 consider development in the area and Security on the  
5 Property." Which is, of course, good.

6           It's the rest of it that I don't like, which  
7 is: "and shall design the mitigation plan to reasonably  
8 control costs" -- stop right there. This is a  
9 billion-dollar project. Reasonably controlling costs of  
10 an additional wall and some vegetation and other  
11 mitigation factors, you know -- no. I think it's a  
12 matter of putting a wall in, and the cost is not -- it's  
13 going to be a pittance compared to the project.

14           And the last sentence, I don't like. It's "If  
15 desired by the City of Mesa and the community." I think  
16 we've heard enough comment by the community that,  
17 clearly, a solid wall on the north side is what they're  
18 asking for at 12 feet, not up to 12 feet. And it should  
19 be on the north and the east side. We've had testimony  
20 that it's still visible, and the cost is negligible  
21 compared to this project.

22           So the provisions that I made is that there  
23 will be a 12-foot wall constructed along the switchyard  
24 along the northeast. I had south. You know, I don't  
25 know that that's necessary, but I threw it in for

1 discussion.

2           And the rest of it is the language that they  
3 have. But I've kind of taken away some of the, I'd say,  
4 hedge language that I think this makes it a stronger  
5 provision.

6           So that's my rationale for it, and I open it  
7 up, certainly, to the Committee for comments.

8           Member Haenichen.

9           MEMBER HAENICHEN: Thank you, Mr. Chairman.

10           I think that the blockages on the -- both the  
11 west side and the south side is adequate without any  
12 wall. On the west side, you have that school property.  
13 On the south side, you've got the project down below.

14           So -- but I do think the east side is very  
15 important because people on the far eastern part of that  
16 subdivision and also cars driving by will see that  
17 clearly without a wall.

18           CHMN. CHENAL: Member Hamway.

19           MEMBER HAMWAY: This is a question for the City  
20 of Mesa.

21           Does the 12 feet in height require some sort of  
22 variance, administrative variance? Because your -- the  
23 EO describes a 4 and a 6, or a 10.

24           MR. TAEBEL: So that's a good question. I  
25 tried to consider it. And I think the position the City

1 would like here is that for the purposes of this wall  
2 that relates to the switchyard, the City will defer to  
3 the order that's issued, the recommendation of this  
4 Committee, and then what comes out of the ACC.

5 And since the property, the fence in question,  
6 will be owned by the Salt River Project, this gets back  
7 to, well, do they have to follow my rules or not. And in  
8 many cases, there's not always agreement. But I think  
9 here, the City will be comfortable with what you have on  
10 the screen.

11 MEMBER HAMWAY: You can always build a 2-foot  
12 berm too.

13 CHMN. CHENAL: And just to follow up on Member  
14 Hamway's question. We'll get to Member Woodall.

15 The 2 -- the 4-foot or the 10-foot or the  
16 6-foot wall, those are perimeter walls around the  
17 property. Those aren't interior walls, are they? I  
18 mean, if the zone restriction limits structures to 50  
19 feet -- or 150 feet in zoning districts, I thought the  
20 development plan that's Exhibit H-1 discussed the  
21 perimeter walls around the property.

22 Mr. Taebel.

23 MR. TAEBEL: I think that's correct, those  
24 walls are the perimeter walls.

25 CHMN. CHENAL: Member Woodall.

1           MEMBER WOODALL: This is a question for the  
2 applicant. If you have walls on three sides and then a  
3 property boundary with the Gilbert Unified School  
4 District, how are people going to get in and out of the  
5 substation site? Would we be contemplating that there  
6 would be some form of a gate as well? I'm not supportive  
7 of the wall on the south.

8           MR. SUNDLOF: Let me respond.

9           First, I do want to take issue with the idea  
10 that costs are negligible, and I can put a witness up.  
11 But just a 12-foot wall is a substantial structure. Just  
12 the north part's a million dollars.

13           If you add a south part -- and there's no  
14 evidence in the record whatsoever that nobody objected to  
15 the south view -- you're adding another million.

16           If you add an east, you're adding something  
17 north of \$500,000 to the project.

18           Obviously, if you did a 10-foot, it would be  
19 less. But 12 is a substantial structure.

20           But the east side -- we're willing to do it on  
21 the north side. But the east side, the evidence is you  
22 wrap it partially around, and you block the view. That  
23 saves some money, and saving money is part of this  
24 Committee's charge.

25           The other thing about the east side is that we

1 don't know what's going to be built there. There could  
2 be a 50-foot building immediately adjacent to the  
3 switchyard, and then we'd be wasting money on the wall.

4 So what I would suggest is we say "an east wall  
5 that partially wraps around the Property" -- if you want  
6 to say halfway or whatever -- "unless the switchyard is  
7 otherwise adequately screened by buildings" or something  
8 like that.

9 CHMN. CHENAL: What is -- what is the distance  
10 that would be -- I don't know if it's a setback, but the  
11 distance that would be, say, between that east wall and  
12 the nearest building that could be built east of that, if  
13 that question is clear.

14 Mr. Beatty, do you happen to have an answer to  
15 that?

16 Mr. Beatty and Mr. Taebel indicated they don't  
17 have an answer to that question.

18 MR. SUNDLOF: Mr. Chairman, as far as I can see  
19 from everything, they could build it right up to the  
20 boundary. There's no setback required.

21 CHMN. CHENAL: Well, I have definite feelings  
22 on it, but I'd like to hear from the Committee first.

23 MEMBER WOODALL: Just speaking for myself, the  
24 reason I am -- as I said previously, I'm deferential to  
25 the City of Mesa is because I can't imagine that they're

1 going to want to fail to take into consideration the  
2 concerns of the neighborhood. And because of the  
3 long-term development phase of the project, I am more  
4 comfortable having SRP and the City determine what kind  
5 of screening should be appropriate.

6 But I know I am in the minority here. Is just  
7 this is a very -- this is a unique project. If it were  
8 someplace else -- but the property owner is going to be  
9 developing on it.

10 So I personally don't want to limit the City in  
11 terms of what they think is an appropriate screening. So  
12 that's where I am coming from on all of this.

13 CHMN. CHENAL: Let me go back to the City, to  
14 the attorney, and maybe Mr. Beatty. Will the City have  
15 public involvement with the wall around the switchyard?  
16 Or would it require a wall to be placed around the  
17 switchyard? Or is that something really outside of the  
18 process?

19 MR. TAEBEL: I think I would respond to that  
20 with perhaps this: On behalf of the City, I think we  
21 would be comfortable with what Mr. Sundlof suggested a  
22 few minutes ago, which is the condition would require the  
23 wall on the north side and then wrap around the east for  
24 some distance, perhaps halfway. And we don't think the  
25 south side is necessary at all.

1 CHMN. CHENAL: All right. I have no strong  
2 feelings on the south side, but I want to hear what the  
3 Committee thinks on the east wall. I don't think there's  
4 any discussion -- any objection to the north wall. So  
5 I'd just like to hear comment on the east wall.

6 Member Haenichen.

7 MEMBER HAENICHEN: Well, I've said this many  
8 times already. I think we need the east wall. I don't  
9 necessarily think the wall has to be 12 feet high. I  
10 think 10 feet high would be adequate.

11 And you're throwing numbers around like half a  
12 million dollars is something you just pulled out of the  
13 air. You can have walls built much cheaper than that.  
14 So I don't think it's a significant expenditure, and it  
15 will mollify the citizens to see that you made an honest  
16 effort to answer their complaints.

17 MR. SUNDLOF: Mr. Chairman.

18 CHMN. CHENAL: Mr. Sundlof.

19 MR. SUNDLOF: I wanted to get in the wall  
20 business when I heard that number.

21 I can put a witness up -- I mean, they've  
22 actually costed it out. I can put a witness up if you  
23 want if that's important.

24 MEMBER GENTLES: Mr. Chair.

25 CHMN. CHENAL: We can take an avowal,

1 Mr. Sundlof.

2 Member Gentles.

3 MEMBER GENTLES: Mr. Chair, I don't think the  
4 cost of the wall has any bearing on this conversation.  
5 It's a billion-dollar project. So the cost of the wall  
6 is going to kill the deal.

7 So I would echo Member Haenichen's words, which  
8 is the citizens which expressed significant concern about  
9 the view, and I think we need to take that into account.

10 And so I think, in compromise, that should be  
11 taken into consideration significantly. I don't  
12 necessarily think it has to go all the way around the  
13 east side, but I think it has to be enough to meet the  
14 issues that the citizens brought up.

15 CHMN. CHENAL: Member Noland.

16 MEMBER NOLAND: Thank you, Mr. Chair.

17 I agree on the north side. I think we don't  
18 know what's -- if we knew what was going to be on the  
19 east side -- it may be parking. So it may be visible  
20 from a long ways away with only a 4-foot perimeter wall.  
21 So I would say definitely the east side should -- it  
22 could be 10 feet. It doesn't have to be 12. I don't  
23 think it has to be 12 on the north. I'd be perfectly  
24 happy with a 10-foot.

25 But I think we need to do the north and the

1 east. The south is going to have other buildings or  
2 other development along there. And there's no  
3 residential viewpoint from the west. And that's mostly  
4 what we're concerned with.

5 CHMN. CHENAL: Member Hamway.

6 MEMBER HAMWAY: I actually liked Mr. Sundlof's  
7 language about definitely doing the north. I'm good  
8 guide with 10 feet and then waiting to see on the east if  
9 it's shielded by other things.

10 And I also think that these types of issues are  
11 better at the local level. I think the City of Mesa and  
12 SRP have shown in lots of cases that they work together,  
13 and they know how to appease residents. That might be  
14 the wrong word, but address resident concerns. And I  
15 think they can figure this out. So I'm fine with the  
16 language that Mr. Sundlof suggested.

17 CHMN. CHENAL: Let me just -- a quick comment.  
18 First, Google is paying for this project; right? Any  
19 walls that are built are borne by the customer.

20 MR. SUNDLOF: The entire project is borne by  
21 the customer.

22 CHMN. CHENAL: Point No. 2: The switchyard is  
23 the first facility that will be constructed on the  
24 property; correct?

25 MR. SUNDLOF: That's correct. Can't do

1 anything else without the switchyard.

2 CHMN. CHENAL: So when the switchyard is built,  
3 there will be no buildings to the east or the south. The  
4 switchyard will be the first structure built. So without  
5 a site plan and going through the entire process, no one  
6 will know what will be built next to the east of the  
7 switchyard or when such a building would be constructed.  
8 Isn't that also true?

9 MR. SUNDLOF: I don't know.

10 MEMBER HAMWAY: I would think that there would  
11 be site plans by the time you get around to building your  
12 switchyard, so you're going to know what's going to be in  
13 that remaining area, I would think. It's going to be  
14 staged, but you're going to have to have a preliminary  
15 layout. They're going to know whether it's a parking lot  
16 and shielding is necessary or it's a building.

17 CHMN. CHENAL: Member Noland.

18 MEMBER NOLAND: Mr. Chairman, with all due  
19 respect, I'm sure that SRP is going to work with Mesa and  
20 Mesa's going to work with SRP. But so far, I haven't  
21 seen where we've been given a lot of latitude in what we  
22 want for the residents north of this property. And if  
23 push comes to shove, Google's going to win. That's the  
24 bottom line here. We've been told not to interfere with  
25 their plans.

1           So I think that at the very least, the north  
2 and east side should be a wall. And then the City and  
3 SRP and Google can figure out the rest of what they want  
4 to see. If they want to see a cyclone fence on the south  
5 side and the west side, then fine. But push comes to  
6 shove, I want to see it in black and white on this  
7 condition.

8           CHMN. CHENAL: I agree with those comments  
9 100 percent.

10           Let's do this: To move this process along,  
11 because this is, I think, the difficult one. The rest  
12 will go fairly quickly.

13           Let me suggest that we change the 12-foot to  
14 the 10-foot, and just have it along -- and then we'll  
15 vote on it. If people don't agree, that's okay. We can  
16 have further discussion. But let's make it 10-foot along  
17 the north and the east side of the switchyard. Let's see  
18 how that goes.

19           MEMBER PALMER: If you want a motion, I'll make  
20 a motion, Mr. Chairman, to that effect.

21           MEMBER HAENICHEN: Second.

22           MEMBER GENTLES: Second.

23           CHMN. CHENAL: Okay. We have a motion and a  
24 second.

25           Any further discussion on the language that

1 we're looking at on our screen on the right?

2 MEMBER NOLAND: On Condition 23?

3 CHMN. CHENAL: Yes, thank you. On Condition  
4 23.

5 And you know what, maybe I should read it  
6 because it's kind of hard to follow. It says: "The  
7 Applicant shall construct a ten (10) foot wall on the  
8 north and east side of the switchyard and otherwise  
9 mitigate the visual impact of the switchyard and other  
10 facilities on the Property. In developing the mitigation  
11 plan, the Applicant and the City shall consider  
12 development in the area and security on the Property."

13 So that's what the motion is. That was the  
14 second. That's the discussion.

15 Is there any further discussion on that  
16 language?

17 MEMBER HAMWAY: I'm not sure what "otherwise  
18 mitigate" -- what else are we expecting them to do? And  
19 "other facilities on the Property." We've already said  
20 we don't have much jurisdiction over all that. So I  
21 don't know what we are asking them to mitigate other than  
22 the wall. I support the wall on the north and the east  
23 side. "And otherwise mitigate the visual impact." What  
24 are we expecting them to do?

25 CHMN. CHENAL: Well, that's their language.

1 That's -- Mesa and SRP worked out that language.

2 MEMBER HAMWAY: All right. So I remove my  
3 objection.

4 CHMN. CHENAL: Any further discussion?

5 All in favor say "aye."

6 (A chorus of ayes.)

7 MEMBER WOODALL: No.

8 CHMN. CHENAL: So we have 23.

9 Now, if we can ask the skilled SRP team to get  
10 back to the document that we -- the documents we were  
11 looking at, Exhibits 64 and -- 65 and 66.

12 I think -- yeah, let's look at 20- -- it's a  
13 little confusing. 22, which is on Exhibit 65, which is  
14 additional language that I had proposed. It's now --  
15 could we flip the screens? Is that possible? Because I  
16 think on the right screen is Exhibit 65. And then the  
17 left screen is the work in process, which is 66.

18 So looking at Exhibit 65, Condition 22, which  
19 is what we started with. It starts with: "The Applicant  
20 shall continue to make good faith efforts to discuss with  
21 private landowners on whose property the Project will be  
22 located."

23 I don't believe that's necessary, but I had it  
24 in there before the hearing started, so I thought we  
25 should include it.

1 MEMBER WOODALL: I don't support its inclusion.

2 It's irrelevant in this particular case.

3 CHMN. CHENAL: I'm fine with that.

4 Is that the view of the Committee?

5 Should we have a motion to eliminate what I

6 have as Condition 22 on Exhibit 64?

7 MEMBER HAMWAY: I support removing it.

8 CHMN. CHENAL: We have a motion and a second.

9 All in favor say "aye."

10 (A chorus of ayes.)

11 CHMN. CHENAL: And then the next exhibit is --

12 excuse me -- Condition 23.

13 MEMBER PALMER: Didn't we just do 23?

14 CHMN. CHENAL: We just did 23.

15 Can we leave the one on the left side alone?

16 That need to be static. It's the one on the right that

17 we're working with.

18 So the next one --

19 MEMBER WOODALL: 24?

20 CHMN. CHENAL: Could you scroll down on the

21 left side, please.

22 MS. MASER: This is the one that was on the

23 left side.

24 CHMN. CHENAL: Maybe you can scroll up. 22.

25 We'd like to see 22 on the left screen.

1 So on the left-hand side, Exhibit 22 -- excuse  
2 me. I say Exhibit 22. I mean Condition 22. "Applicant  
3 shall pursue reasonable efforts to work with private  
4 landowners to mitigate the impacts."

5 This is another one that I don't think we need.

6 MEMBER HAENICHEN: No. First of all, none of  
7 it is on their land.

8 CHMN. CHENAL: So may I have a motion to remove  
9 22, Condition 22?

10 MEMBER HAMWAY: So moved.

11 CHMN. CHENAL: All in favor say "aye."

12 (A chorus of ayes.)

13 CHMN. CHENAL: The next condition that we  
14 discussed that I had thrown in was dealing with  
15 interconnection agreements. I think that's another one  
16 that's not necessary, obviously, for this project.

17 So can I have a motion to remove?

18 MEMBER WOODALL: I move with great joy that we  
19 remove this condition.

20 MEMBER PALMER: Second.

21 CHMN. CHENAL: Motion and second.

22 All in favor say "aye."

23 (A chorus of ayes.)

24 CHMN. CHENAL: The next condition -- I think  
25 the numbers have gotten mixed up a little, but it deals

1 with -- the conditions are binding on the Applicant, its  
2 successors and assignees. This is one that the applicant  
3 had suggested, and I -- is there a way to get the entire  
4 condition on the screen?

5 So we've discussed this condition many times,  
6 and I -- it's one suggested -- or proposed by the  
7 applicant.

8 So any further discussion on what's listed as  
9 Condition 22 regarding with the conditions binding on the  
10 Applicant, its successors, and assignees?

11 MEMBER WOODALL: I'll just play my broken  
12 record again. I don't think that we should be telling  
13 the applicant what to put in their contracts. I know we  
14 can tell them what to do, but I don't think we should  
15 interfere with their contracting arrangements.

16 Thank you.

17 CHMN. CHENAL: All right. So any further  
18 discussion?

19 May I have a motion to approve?

20 (Inaudible motion and second.)

21 CHMN. CHENAL: We have a motion and second.

22 All in favor say "aye."

23 (A chorus of ayes.)

24 MEMBER WOODALL: No.

25 MR. SUNDLOF: Mr. Chairman, on these last two

1 conditions, these are the ones we put in. Based on the  
2 other changes already made to the document, we don't need  
3 them anymore. We don't need either one of them.

4 CHMN. CHENAL: What's on the left screen is  
5 Conditions 23 and 24.

6 May I have a motion to remove those two  
7 conditions?

8 MEMBER HAENICHEN: So moved.

9 CHMN. CHENAL: We have a motion and a second.  
10 All in favor say "aye."

11 (A chorus of ayes.)

12 CHMN. CHENAL: Before we get into the Findings  
13 of Fact, I'd like to scroll through the conditions just  
14 quickly to make sure that we have everything. We kind of  
15 got back and forth a little, and we've added things. And  
16 I'm just afraid we're going to look at the final product  
17 tomorrow or Monday, and something's not going to look  
18 right. And I want to make sure it's clear.

19 So if we could scroll up to the conditions.

20 Okay. Just quickly, we can look at Condition  
21 1, and then just scroll down.

22 Condition 2 looks appropriate.

23 Condition 3, Condition 4, Condition 5,  
24 Condition 6, Condition 7, Condition 8, Condition 9.

25 Condition 10, yes.

1 Condition 11 we discussed.

2 12, yes.

3 13, yes.

4 14, 15.

5 16, yes.

6 And then 17, 18, 19, 20, 21, 22.

7 Where's -- yes, let's put those in.

8 22. Let's put that up for discussion.

9 22 is as we discussed.

10 23 as we discussed.

11 Very good. Thank you.

12 24 would be the condition is binding on the  
13 applicants.

14 And I think that's the last one.

15 So, in that review, is that consistent with  
16 everyone's understanding of the conditions that we  
17 discussed and voted on?

18 MEMBER HAMWAY: Yes.

19 CHMN. CHENAL: Good. I think it was good to do  
20 that.

21 All right. Let's go to the Findings of Fact  
22 and Conclusions of Law.

23 Actually, before we do that, are we able to  
24 look at Exhibit A one more time to make sure we are in  
25 agreement on Exhibit A.

1 MR. SUNDLOF: I don't think it should say  
2 Project Site up there, just Exhibit A.

3 CHMN. CHENAL: I think Exhibit A is what we've  
4 referred to as SRP Exhibit 23.

5 MR. SUNDLOF: Yes.

6 CHMN. CHENAL: All right. The delay is my  
7 fault.

8 We're looking at the Exhibit 63 on the screen,  
9 and that is the Exhibit A. And would that be revised  
10 just to remove the exhibit number? How would you propose  
11 that that exhibit look?

12 MR. SUNDLOF: I would propose, Your Honor, that  
13 we eliminate the exhibit number and eliminate the title  
14 up on the upper left hand says "Project Site" and instead  
15 label this as Exhibit A.

16 CHMN. CHENAL: Okay. Very good. I think  
17 that's fine.

18 So let's dive into the Findings of Fact and  
19 Conclusions of Law, unless there's any further discussion  
20 on the conditions or Exhibit A or Exhibit B, which is the  
21 legal description that was previously passed out.

22 Member Haenichen.

23 MEMBER HAENICHEN: Are we on the Findings of  
24 Fact and --

25 CHMN. CHENAL: Findings of Fact and Conclusions

1 of Law.

2 MEMBER HAENICHEN: The first two are not  
3 appropriate because this is strictly for one usage, so it  
4 doesn't have anything to do with the reliability and so  
5 on.

6 3 is still okay because they will be putting  
7 some power lines in to a couple of -- the line to the  
8 station switching yard.

9 CHMN. CHENAL: So let's look at 4. Finding of  
10 Fact 4.

11 MEMBER HAENICHEN: I think that's okay.

12 CHMN. CHENAL: We'll review each one in order,  
13 but your general comments right now, I think we should  
14 hear them.

15 Member Haenichen.

16 MEMBER HAENICHEN: Okay.

17 CHMN. CHENAL: Can we look at Condition 5  
18 quickly, please -- or Finding of Fact 5.

19 MEMBER HAENICHEN: Well, we need some finding  
20 that has to do with the environment because that's what  
21 it's called, Certificate of Environmental Compatibility.  
22 So you better have some language in there.

23 CHMN. CHENAL: Well, Member Haenichen, doesn't  
24 Condition 5 address that?

25 MEMBER HAENICHEN: Yes. That's why I think

1 that has to be retained. I'm sure there will be some  
2 objections, but ...

3 CHMN. CHENAL: And 4 does as well?

4 MEMBER HAENICHEN: Yes.

5 CHMN. CHENAL: And what is your view on  
6 Condition 6?

7 MEMBER HAENICHEN: Well, yeah. I mean, it's --  
8 in a general way, that's true because we're supplying an  
9 adequate supply of electricity for a usage in the area,  
10 so ...

11 And 6 is okay.

12 CHMN. CHENAL: So let's go back to 1 and 2 and  
13 see if there's -- and take them one at a time.

14 So the first Finding of Fact and Conclusion of  
15 Law: "The Project aids the state and the southwest  
16 region in meeting the need for an adequate, economical  
17 and reliable supply of electric power."

18 MEMBER HAMWAY: Well, the ACC Staff says it  
19 doesn't do that, and it's for a single customer. I'm not  
20 crazy about any of them, actually.

21 MEMBER HAENICHEN: I agree with -- No. 1 --  
22 No. 1, yeah, we could strike because of the ACC letter.

23 CHMN. CHENAL: All right. Any further  
24 discussion?

25 Do I have a motion to delete the Finding of

1 Fact 1?

2 MEMBER HAMWAY: So moved.

3 MEMBER HAENICHEN: Second.

4 CHMN. CHENAL: We have a motion and second.

5 All in favor say "aye."

6 (A chorus of ayes.)

7 MEMBER HAENICHEN: I would say on No. 2, we're  
8 really not -- it doesn't have anything to do with the  
9 overall transmission system. It's merely tapping into  
10 one line of the transmission system and drawing energy  
11 for one particular use. So in my opinion, that could be  
12 struck as well.

13 MEMBER HAMWAY: And, Mr. Chairman, we've heard  
14 no evidence at all that suggests that this does aid the  
15 state or any reliable electric transmission system, so  
16 it's not a point of fact.

17 CHMN. CHENAL: Okay. So let's remove that.

18 Let's delete No. 2, Finding of Fact 2.

19 MEMBER HAENICHEN: I move to remove 2.

20 CHMN. CHENAL: That's a motion.

21 May I have a second?

22 MEMBER HAMWAY: Second.

23 CHMN. CHENAL: Motion and second.

24 All in favor say "aye."

25 (A chorus of ayes.)

1 MEMBER PALMER: Mr. Chairman.

2 CHMN. CHENAL: Member Palmer.

3 MEMBER PALMER: This may be completely off  
4 base. Would there be any value in placing a condition  
5 that this project provides a safe supply of electricity  
6 for a high-use customer for this project or something to  
7 that effect? It may be irrelevant and not necessary. I  
8 just throw that out as a thought.

9 MEMBER GENTLES: Mr. Chairman, I like that.

10 CHMN. CHENAL: Member Gentles.

11 MEMBER GENTLES: I like that.

12 CHMN. CHENAL: Member Haenichen.

13 MEMBER HAENICHEN: I don't think it's  
14 necessary.

15 MEMBER WOODALL: I note that Staff, in their  
16 letter, says: "Staff believes the Project will be  
17 designed to provide a reliable source of power to a" --  
18 "to the Customer."

19 If you wanted to put anything in there, which I  
20 don't think we need, I suggest we kind of model it on  
21 what Staff's technical conclusions are.

22 CHMN. CHENAL: Member Palmer, do you want to  
23 defend yourself on this?

24 MEMBER PALMER: No. And I don't have a strong  
25 feeling one way or the other. I simply threw it out as a

1 thought, and it probably does not need to be in here.

2 CHMN. CHENAL: Okay. If you want to make a  
3 motion or want further discussion on it, we can do it.

4 MEMBER PALMER: I'm okay.

5 CHMN. CHENAL: So the next one: "The Applicant  
6 made reasonable efforts to work with landowners to  
7 minimize the impact of the power lines."

8 Let's discuss that and have a vote on that.

9 Member Hamway.

10 MEMBER HAMWAY: I would change "power lines" to  
11 "substation" because we're -- I'm sorry, "switchyard."  
12 Not "substation." Because we're not trying to minimize  
13 the impact of the power lines that are already there,  
14 although Member Haenichen said we are trying to minimize  
15 the power lines that will be connecting off the 230 into  
16 the switchyard.

17 MEMBER HAENICHEN: Yeah. That's the way I read  
18 that too.

19 MEMBER WOODALL: Why not just say "facilities"  
20 instead of "power lines."

21 CHMN. CHENAL: Member Hamway.

22 MEMBER HAMWAY: I'm fine with that.

23 CHMN. CHENAL: For "facilities."

24 MEMBER HAENICHEN: I'm fine with that too.

25 CHMN. CHENAL: Okay. So this Finding of Fact

1 would read: "The Applicant made reasonable efforts to  
2 work with landowners to minimize the impact of the  
3 facilities."

4 Any further discussion?

5 MEMBER HAENICHEN: I move this as modified.

6 MEMBER HAMWAY: Second.

7 CHMN. CHENAL: We have a motion and second.

8 All in favor say "aye."

9 (A chorus of ayes.)

10 MEMBER NOLAND: No.

11 CHMN. CHENAL: The next Finding of Fact: "The  
12 conditions placed on the CEC Project in this Certificate  
13 effectively minimize the CEC Project's impact on the  
14 environment and ecology of the state."

15 Discussion?

16 MEMBER WOODALL: It's okay with me.

17 MEMBER HAENICHEN: Yeah, me too. I think we  
18 need that.

19 CHMN. CHENAL: Okay. Any further discussion?

20 If not, may I have a motion?

21 MEMBER HAENICHEN: I move it.

22 MEMBER WOODALL: Second.

23 CHMN. CHENAL: We have a motion and second.

24 All in favor say "aye."

25 (A chorus of ayes.)

1 CHMN. CHENAL: Thank you.

2 The next to last: "The conditions placed on  
3 the CEC Project in this Certificate resolve matters  
4 concerning balancing the need for the Project with the  
5 CEC Project's impact on the environment and ecology of  
6 the state arising during the course of the proceedings,  
7 and, as such, serve as findings and conclusions on such  
8 matters."

9 MEMBER HAENICHEN: I think that's pretty much a  
10 boilerplate type thing we put in all of them that should  
11 remain.

12 CHMN. CHENAL: We have --

13 MEMBER HAMWAY: Did we hear a lot of testimony  
14 on that?

15 MEMBER PALMER: We did have some, Mr. Chairman,  
16 on the visual impacts and that part of the environment.  
17 Although there were no other sensitive areas, I think  
18 it's still relevant.

19 CHMN. CHENAL: We did have a full analysis that  
20 was produced by Ms. Pollio on the impacts on the  
21 environment, of which there was not a significant impact,  
22 but the study was done. It was certainly a big part of  
23 the case.

24 And the need for the project. I think there's  
25 been evidence on that. I mean, without the facilities

1 being approved, this data center can't be built unless  
2 they have power. So I think there's evidence in the  
3 record to support this finding.

4 MEMBER HAMWAY: Okay.

5 MEMBER PALMER: I would make a motion we  
6 approve Finding of Fact 3.

7 MEMBER HAMWAY: Second.

8 CHMN. CHENAL: We have a motion and second.  
9 Any further discussion?

10 MEMBER GENTLES: Which one are we on? Sorry.

11 CHMN. CHENAL: Well, it's the one we've been  
12 discussing on -- the numbers have changed, but it's the  
13 second to last Finding of Fact that I read into the  
14 record a moment ago.

15 Any further discussion?

16 (No response.)

17 CHMN. CHENAL: All in favor say "aye."

18 (A chorus of ayes.)

19 CHMN. CHENAL: Thank you.

20 And then the last, which I'll read, is: "The  
21 CEC Project is in the public interest because the  
22 Project's contribution to meeting the need for an  
23 adequate, economical and reliable supply of electric  
24 power outweighs the minimized impact of the CEC Project  
25 on the environment and ecology of the state."

1 Member Haenichen.

2 MEMBER HAENICHEN: I think it does that because  
3 if you say -- if you realize that this project, namely,  
4 the end use of this project, is going to be an important  
5 economic tool for the state, then it has to have all of  
6 those things that it says, adequate, reliable supply.  
7 And that's basically what we are approving.

8 CHMN. CHENAL: Any further discussion?

9 (No response.)

10 CHMN. CHENAL: May I have a motion?

11 MEMBER WOODALL: So moved.

12 MEMBER HAENICHEN: Second.

13 CHMN. CHENAL: We have a motion and second.

14 All in favor say "aye."

15 (A chorus of "ayes.")

16 CHMN. CHENAL: All right.

17 We've already reviewed what will become  
18 Exhibit A, and we have been handed out and it's been  
19 shown on the screen Exhibit B, which is a legal  
20 description.

21 Is there any further discussion with either  
22 Exhibit A or Exhibit B?

23 Member Noland.

24 MEMBER NOLAND: Thank you, Mr. Chairman.

25 I think Exhibit A is lacking in any

1 specificity. The CEC allows them, with this exhibit, to  
2 actually place the switchyard in any position within that  
3 larger box although we've been told they'll try to do it  
4 as far to the south as they can. Normally, we would lay  
5 out the specifics of the whole box area. I don't know  
6 what else to call it. The site area that's been  
7 proposed. And we don't even have that. We have the  
8 whole 187-acre description, but we have no description of  
9 Exhibit A.

10           And I think that's the biggest point that's  
11 lacking. Well, one of the biggest points that's lacking  
12 in this CEC.

13           CHMN. CHENAL: Now, let's talk about the  
14 conditions. Go back to those.

15           Because you brought up the fact that the  
16 applicant has agreed to push the switchyard as far south  
17 within that area as possible. And I just want to make  
18 sure that's been addressed in the conditions.

19           And I don't remember if it has been, frankly.  
20 It's been discussed, it's been essentially agreed to by  
21 the applicant, but I don't know that there's language in  
22 the conditions.

23           Okay. There is. Which condition is that?

24           MS. MASER: It's not a condition.

25           CHMN. CHENAL: Oh, it's under Approved Project

1 Description.

2 "The switchyard shall be located in the area  
3 depicted in Exhibit A and shall be located as far south  
4 as practicable within the designated area."

5 It's not a condition, but it's in the CEC.  
6 Yeah, I think it addresses it. So I'm satisfied that's  
7 sufficient.

8 Well, Member Noland, I --

9 MEMBER NOLAND: Mr. Chairman, I'm just making a  
10 point. I think this is the most undefined area we've  
11 ever had in a CEC. And it's giving them maximum  
12 flexibility, which is what they want. But we don't even  
13 have an absolute definition of how many acres are in that  
14 proposed site. That's the piece that's lacking for me in  
15 the whole CEC. Well, it's one of them.

16 But that's just me, so you go right on ahead.

17 CHMN. CHENAL: Well, we have at least two  
18 options. One option is we keep the document as it is  
19 with Exhibit A. The other is we go back in the CEC  
20 itself, maybe in the narrative, we define with a little  
21 more specificity where exactly the switchyard area is  
22 located with like feet. Because I know we've had  
23 testimony on that. It's going to be so many feet north  
24 to south, so many feet east to west. That might add  
25 some -- at least give us a more definitive location for

1 the area where the switchyard is to be located.

2 MEMBER NOLAND: Mr. Chairman, I think it's too  
3 late for that. We've been talking about this for two  
4 days, and it should have been on this exhibit or it  
5 should have been -- usually, it's on the exhibit, and we  
6 reference it in the CEC. But, you know, let's just go  
7 forward. I'm not falling on my sword on this. It's  
8 giving them maximum flexibility. Just do it.

9 CHMN. CHENAL: Member Woodall.

10 MEMBER WOODALL: Mr. Sundlof, at what point is  
11 SRP sort of going to know where the switchyard site is  
12 going to be? Because you haven't even designed it yet.  
13 I understand that. But is there going to be some point  
14 that you're going to know where on planet earth that  
15 you're going to put it?

16 MR. SUNDLOF: Member Woodall, the testimony has  
17 been that the orange area is approximately 14 acres.  
18 That the switchyard will be located as far as possible to  
19 the south. That's pretty darn specific. I mean, that's  
20 not anywhere on planet earth. That's within --

21 MEMBER WOODALL: I understand that.

22 MR. SUNDLOF: -- an area of 14 acres. And  
23 that's more specific than I've ever seen it.

24 MEMBER WOODALL: I guess what I'm getting at  
25 is, you know, you're going to have to draw up some sort

1 of design plans for the switchyard.

2 MR. SUNDLOF: Right.

3 MEMBER WOODALL: And if, at that time, you have  
4 more of a precise description of precisely where the  
5 switchyard is going to be, you could do a late-filed  
6 exhibit or include that as part of, you know, your annual  
7 reporting about here's where it is. I know it's after  
8 the fact and it might not address Ms. Noland's concerns,  
9 but at least there would be something on the record about  
10 where it is.

11 MR. SUNDLOF: Well, I think we'd be glad to add  
12 to the -- I mean, I don't know exactly when the final  
13 engineering will be done, maybe a year, and we can add it  
14 to an annual filing.

15 MEMBER WOODALL: I would recommend that,  
16 because at least there will be a record someplace  
17 regarding it.

18 And I confess, even I don't read these annual  
19 filings, and I get them all.

20 CHMN. CHENAL: All right.

21 Is there any further -- Member Haenichen?

22 MEMBER HAENICHEN: No.

23 CHMN. CHENAL: Is there any further discussion  
24 on the narrative of the CEC, the conditions, the Findings  
25 of Fact, Exhibit A or Exhibit B?

1 If not, I guess we're ready for a roll call  
2 vote.

3 MEMBER NOLAND: Mr. Chairman, you need a motion  
4 for the whole CEC.

5 CHMN. CHENAL: Yes. Yes.

6 All right. So may I have a motion to approve  
7 the CEC with the changes that we've discussed on the  
8 record that will be prepared in final form and submitted  
9 to me for signature with the exhibits attached?

10 MEMBER HAENICHEN: So moved.

11 MEMBER PALMER: Second.

12 CHMN. CHENAL: We have a motion and a second.  
13 Any further discussion?

14 (No response.)

15 CHMN. CHENAL: If not, Member Palmer, why don't  
16 we start with you, and we'll go on roll call vote down  
17 the line.

18 MEMBER PALMER: I vote aye.

19 CHMN. CHENAL: Member Riggins.

20 MEMBER RIGGINS: I vote aye.

21 CHMN. CHENAL: Member Woodall.

22 MEMBER WOODALL: If I may explain my vote.

23 I also vote aye, and I want to make it clear  
24 that the freedom and the flexibility that the applicant  
25 has requested in this particular filing is not one that I

1 would anticipate that we would ever grant or -- again.

2 It's a very unique project, and so a lot of  
3 the -- I understand the concerns which Ms. Noland has  
4 with respect to the lack of specificity. In this  
5 particular case, I don't have as great a concerns  
6 regarding that because I know the City of Mesa is going  
7 to be involved in the land use.

8 But I don't think anyone should think that  
9 there will be another case where it will be wherever you  
10 want it to be.

11 So I do vote aye.

12 CHMN. CHENAL: Member Haenichen.

13 MEMBER HAENICHEN: I vote aye.

14 CHMN. CHENAL: Member Hamway.

15 MEMBER HAMWAY: I vote aye.

16 And I've been debating whether or not I would  
17 share some observations as a former council member to the  
18 City of Mesa about this hearing. And I think I'm going  
19 to take a few minutes and do that.

20 And there were three things that gave me pause  
21 as a former council member through this hearing.

22 And one of them was the first call to the  
23 public that we had. And that kind of raised a red flag  
24 for me because everyone who stood up felt like they  
25 hadn't been heard or were heard incorrectly. So I think

1 that there was kind of a miscommunication there, and I  
2 don't know where that came from. I'm not suggesting that  
3 I have any answers for you. I'm just sharing some  
4 observations.

5 The second observation I had was the lack of  
6 attendance or support or opposition when the zoning took  
7 place because with -- you know, with a very quick motion,  
8 the City granted a zoning ordinance that completely  
9 changed the character of this parcel. And it reduced the  
10 amount of public involvement through the lack of a public  
11 hearing and also changing the notification process.

12 And so I think that -- and all of that happened  
13 with nobody paying attention. And that was a huge deal.  
14 So you've created this EO development tool. And it's a  
15 huge tool. And I give you hugh kudos for bringing Google  
16 in. So this has nothing to do with that. It's more  
17 about asking yourself, Why did nobody come out.

18 And if I had to venture a guess as to why no  
19 one commented on the zoning, it's because the City let  
20 the attorney for the property owner do all their taking.  
21 And you're never going to get good facts and a good  
22 perspective if you let the glossy 8-by-10s do your  
23 talking for you.

24 And so I think that, as you're going forward,  
25 this is not the last time that a group of property owners

1 are going to bind together and create a parcel that's 160  
2 acres and come to you for an EO. And so I think that you  
3 have to use that tool judiciously. And I think that  
4 you -- I would hope that, you know, this is definitely an  
5 opportunity for kind of looking at your own procedures  
6 and trying to figure out and finding the balance.  
7 Because the staff has to do with the electeds, the  
8 developer, and the residents. And so, really, everyone  
9 looks to you for the facts of what's going to change in  
10 this zoning thing.

11 And so that gave me great pause that not a soul  
12 came out in support or opposition for that zoning change.

13 And so I hope that you -- I wish you great  
14 luck. I think that the character of the desert out there  
15 is going to be changed drastically. And all that was  
16 done without really any input from the residents.

17 So those are my observations. I wish you great  
18 luck.

19 I support yes -- or I vote yes on this CEC.  
20 And I think that it's a great project, and it's going to  
21 be a boon to your economy. But I will also say that as a  
22 council member of a township that had no property tax,  
23 residents that don't pay a property tax still have a  
24 voice.

25 CHMN. CHENAL: Thank you.

1 Member Noland.

2 MEMBER NOLAND: Mr. Chairman, for the first  
3 time in my ten years, I'm voting no.

4 CHMN. CHENAL: Member Gentles.

5 MEMBER GENTLES: Mr. Chairman, first, let me  
6 start by saying I do support the project. I think it's  
7 going to be a magnificent project for the City of Mesa  
8 and for the Greater Phoenix region. So I do applaud the  
9 City for landing such a significant corporate citizen.

10 I've been challenged by some of the  
11 conversation, remarks, testimony, particularly as it  
12 comes to the applicant requesting maximum flexibility  
13 from the Committee. But they didn't really show any  
14 flexibility in adjusting to the homeowners' concerns.

15 They certainly went through all the motions of  
16 the public involvement, but no action as I saw it, was  
17 taken as a result. And so it took our Committee to at  
18 least help -- do some things to help mitigate their  
19 concerns.

20 And so, just overall, generally, I think the  
21 public outreach on these projects needs to be far more  
22 robust than what it is because -- now, I've only been in  
23 two hearings, but I just see, basically, what I would say  
24 is just going through the motions, just checking off a  
25 box to show that we did X, Y, and Z, but I see no results

1 as a result of the public outreach. So those are my  
2 concerns.

3 I do support the project, and I vote yes. But  
4 I do want to be on the record that when things like this  
5 come before the Committee, there has to be a little bit  
6 more transparency than what there was here today or last  
7 couple of days, because it really does make it very  
8 difficult for us to deliberate in all due conscience.

9 With that, I vote yes.

10 CHMN. CHENAL: Thank you.

11 Just a couple of observations.

12 I do want to thank the applicants. I want to  
13 thank the staff, the witnesses, for both SRP and for  
14 Mesa.

15 I've already expressed my views. I vote yes.  
16 It is a good project. I mean, I know Mesa's going to be  
17 lucky to have the project. I guess I would echo Member  
18 Hamway's comments that I -- to the extent possible,  
19 Mesa -- and I know SRP will, but Mesa can include the  
20 public in the process to give them a voice as the  
21 mitigation factors go forward. You know, I think that  
22 would be very helpful and I think the citizens would  
23 appreciate it.

24 So I vote aye.

25 I would ask the applicant to provide me -- I'll

1 be in the office tomorrow and not Monday, because it's a  
2 state holiday. I know a lot of people are working  
3 Monday, but I'm not. But I'll be there tomorrow and  
4 Tuesday.

5 So if I would provide me with, you know, the  
6 CEC, I -- we've had them emailed in the past. I would  
7 request that it be hand delivered because we have  
8 exhibits that are in color, and I think it would just be  
9 better to have it done -- I would rather have the  
10 applicant provided the CECs with the original with the  
11 exhibits attached.

12 And then we can -- we will -- I will sign it,  
13 and we will file it. I'll proofread it carefully, but  
14 ask the applicant, of course -- and now, Mr. Sundlof,  
15 you're very careful. Although you missed TEP. But I  
16 know this time around, we'll have it all in good order.  
17 And I will sign it, and we'll get it filed promptly with  
18 the Corporation Commission. And then the clock will  
19 start ticking on any hearings the Commission wants to  
20 have.

21 So I just want to thank the Committee. Again,  
22 I want to thank the applicant and Mesa.

23 So is there anything further we need to discuss  
24 before we adjourn?

25 Mr. Sundlof.

1 MR. SUNDLOF: Mr. Chairman, we'll provide you  
2 with a hard copy and an electronic copy in case you have  
3 edits.

4 And I do want thank the Chair and the Committee  
5 for your attention. And this is -- it's an interesting  
6 case. It's different. I think it's a good case because  
7 it's going to bring economic development to Arizona. So  
8 I'm happy to be -- have been a part of it.

9 I wanted to thank City of Mesa for -- well,  
10 they put together some great testimony on very short  
11 notice. I'm very impressed with their witnesses and  
12 everybody at SRP. I think it's a good project.

13 Thank you very much.

14 CHMN. CHENAL: Mr. Taebel, any comments?

15 MR. TAEBEL: I'd also just like to thank the  
16 Committee and -- yeah. Thank you.

17 CHMN. CHENAL: All right. If there's nothing  
18 else, we'll adjourn.

19 Thank you, everybody.

20 (The hearing concluded at 2:26 p.m.)

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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.

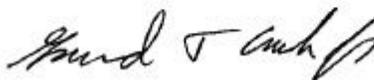
9 I CERTIFY that I am in no way related to any of  
10 the parties hereto nor am I in any way interested in the  
11 outcome hereof.

12 I CERTIFY that I have complied with the ethical  
13 obligations set forth in ACJA 7-206(F)(3) and ACJA  
14 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,  
15 this 12th day of November, 2019.

16  
17 

18 \_\_\_\_\_  
19 CAROLYN T. SULLIVAN, RPR  
20 Arizona Certified Reporter  
21 No. 50528

22 I CERTIFY that COASH & COASH, INC., has complied  
23 with the ethical obligations set forth in ACJA  
24 7-206(J)(1)(g)(1) through (6).

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27 \_\_\_\_\_  
28 COASH & COASH, INC.  
29 Arizona Registered Firm  
30 No. R1036